

# House Amendment 1711

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1 1 Amend the Senate amendment, H=1703, to House File  
1 2 882, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 #1. By striking page 1, line 3, through page 49,  
1 5 line 22, and inserting the following:  
1 6 <#\_\_\_\_. Page 2, by inserting after line 5 the  
1 7 following:  
1 8 <Sec. \_\_\_\_\_. BUDGET PROCESS FOR FISCAL YEAR 2006=  
1 9 2007.  
1 10 1. For the budget process applicable to the fiscal  
1 11 year beginning July 1, 2006, on or before October 1,  
1 12 2005, in lieu of the information specified in section  
1 13 8.23, subsection 1, unnumbered paragraph 1, and  
1 14 paragraph "a", all departments and establishments of  
1 15 the government shall transmit to the director of the  
1 16 department of management, on blanks to be furnished by  
1 17 the director, estimates of their expenditure  
1 18 requirements, including every proposed expenditure,  
1 19 for the ensuing fiscal year, together with supporting  
1 20 data and explanations as called for by the director of  
1 21 the department of management.  
1 22 2. The estimates of expenditure requirements shall  
1 23 be in a form specified by the director of the  
1 24 department of management, and the expenditure  
1 25 requirements shall include all proposed expenditures  
1 26 and shall be prioritized by results to be achieved by  
1 27 expenditures. The estimates shall be accompanied by  
1 28 performance measures for evaluating the effectiveness  
1 29 of the programs connected to the expenditures.>  
1 30 ~~#strike>\_\_\_\_\_~~. Page 4, by inserting after line 22, the  
1 31 following:  
1 32 <Sec. \_\_\_\_\_. Section 8.8, Code 2005, is amended to  
1 33 read as follows:  
1 34 8.8 SPECIAL OLYMPICS FUND == APPROPRIATION.  
1 35 A special olympics fund is created in the office of  
1 36 the treasurer of state under the control of the  
1 37 department of management. There is appropriated  
1 38 annually from the general fund of the state to the  
1 39 special olympics fund ~~thirty~~ fifty thousand dollars  
1 40 for distribution to one or more organizations which  
1 41 administer special olympics programs benefiting the  
1 42 citizens of Iowa with disabilities.>  
1 43 ~~#strike>\_\_\_\_\_~~. Page 5, by inserting after line 11 the  
1 44 following:  
1 45 <Sec. \_\_\_\_\_. DEPARTMENT OF CULTURAL AFFAIRS ==  
1 46 NONPROFIT MUSIC ENTITIES. There is appropriated from  
1 47 the general fund of the state to the department of  
1 48 cultural affairs for the fiscal year beginning July 1,  
1 49 2005, and ending June 30, 2006, twenty-five thousand  
1 50 dollars for purposes of providing two twelve thousand  
2 1 five hundred dollar grants to nonprofit music  
2 2 entities. A recipient of a grant shall be a nonprofit  
2 3 entity that is formed with members including local  
2 4 musicians, music promoters, representatives of music  
2 5 venues and businesses, community leaders, and live  
2 6 music enthusiasts who discuss, assess, and expedite  
2 7 the implementation of a unified music agenda for a  
2 8 local community and aggressively advocates, sponsors,  
2 9 and develops an independent, progressive live music  
2 10 economy in a local community.>  
2 11 ~~#strike>\_\_\_\_\_~~. Page 5, line 13, by inserting before the  
2 12 word <department> the following: <Iowa>.  
2 13 ~~#strike>\_\_\_\_\_~~. Page 5, by inserting before line 21, the  
2 14 following:  
2 15 <Sec. \_\_\_\_\_. HEALTHY IOWANS TOBACCO TRUST == PKU  
2 16 ASSISTANCE. There is appropriated from the healthy  
2 17 Iowans tobacco trust created in section 12.65 to the  
2 18 Iowa department of public health for the fiscal year  
2 19 beginning July 1, 2005, and ending June 30, 2006, the  
2 20 following amount, or so much thereof as is necessary,  
2 21 to be used for the purpose designated:  
2 22 For providing grants to individual patients who  
2 23 have phenylketonuria (PKU) to assist with the costs of  
2 24 special food needed:

2 25 ..... \$ 60,000  
2 26 Sec. \_\_\_\_ ENRICH IOWA LIBRARIES PROGRAM. There is  
2 27 appropriated from the rebuild Iowa infrastructure fund  
2 28 to the department of education for the fiscal year  
2 29 beginning July 1, 2005, and ending June 30, 2006, the  
2 30 following amount, or so much thereof as is necessary:  
2 31 To provide resources for structural and  
2 32 technological improvements to local libraries and for  
2 33 the enrich Iowa program, notwithstanding section 8.57,  
2 34 subsection 6, paragraph "c":  
2 35 ..... \$ 200,000  
2 36 Sec. \_\_\_\_ DEPARTMENT OF EDUCATION == COMMUNITY  
2 37 COLLEGES. There is appropriated from the rebuild Iowa  
2 38 infrastructure fund to the department of education for  
2 39 the designated fiscal years, the following amounts, or  
2 40 so much thereof as is necessary, to be used for the  
2 41 purposes designated:  
2 42 For major renovation and major repair needs,  
2 43 including health, life, and fire safety needs, and for  
2 44 compliance with the federal Americans With  
2 45 Disabilities Act, for state buildings and facilities  
2 46 under the purview of the community colleges:  
2 47 FY 2006=2007..... \$ 2,000,000  
2 48 FY 2007=2008..... \$ 2,000,000  
2 49 FY 2008=2009..... \$ 2,000,000  
2 50 The moneys appropriated in this section shall be  
3 1 allocated to the community colleges based upon the  
3 2 distribution formula established in section 260C.18C,  
3 3 if enacted by 2005 Iowa Acts, House File 816.  
3 4 Notwithstanding section 8.33, moneys appropriated  
3 5 in this section shall not revert at the close of the  
3 6 fiscal year for which they were appropriated but shall  
3 7 remain available for the purposes designated until the  
3 8 close of the fiscal year that begins July 1, 2010, or  
3 9 until the project for which the appropriation was made  
3 10 is completed, whichever is earlier.  
3 11 ~~Page 5, by striking lines 21 through 29.~~  
3 12 ~~Page 5, lines 31 and 32, by striking the~~  
3 13 ~~words <state department of transportation> and~~  
3 14 ~~inserting the following: <homeland security and~~  
3 15 ~~emergency management division of the department of~~  
3 16 ~~public safety>.~~  
3 17 ~~Page 6, line 1, by striking the figure~~  
3 18 ~~<125,000> and inserting the following: <100,000>.~~  
3 19 ~~Page 6, by striking lines 2 through 19.~~  
3 20 ~~Page 6, by inserting before line 20, the~~  
3 21 ~~following:~~  
3 22 <Sec. \_\_\_\_ HEALTHY IOWANS TOBACCO TRUST == AIDS  
3 23 DRUG ASSISTANCE PROGRAM. There is appropriated from  
3 24 the healthy Iowans tobacco trust created in section  
3 25 12.65 to the Iowa department of public health for the  
3 26 fiscal year beginning July 1, 2005, and ending June  
3 27 30, 2006, the following amount, or so much thereof as  
3 28 is necessary, to be used for the purpose designated:  
3 29 For additional funding to leverage federal funding  
3 30 through the federal Ryan White Care Act, Title II,  
3 31 AIDS drug assistance program supplemental drug  
3 32 treatment grants:  
3 33 ..... \$ 275,000  
3 34 Sec. \_\_\_\_ GREAT PLACES. There is appropriated  
3 35 from the general fund of the state to the department  
3 36 of cultural affairs for the fiscal year beginning July  
3 37 1, 2004, and ending June 30, 2005, the following  
3 38 amount, or so much thereof as is necessary, to be used  
3 39 for the purposes designated:  
3 40 For salaries, support, maintenance, and  
3 41 miscellaneous purposes:  
3 42 ..... \$ 100,000  
3 43 Notwithstanding section 8.33, any moneys  
3 44 appropriated in this section that remain unencumbered  
3 45 or unobligated at the close of the fiscal year shall  
3 46 not revert but shall remain available for expenditure  
3 47 for the purposes designated until the close of the  
3 48 succeeding fiscal year.  
3 49 Sec. \_\_\_\_ UNDERGROUND STORAGE TANK FUND ==  
3 50 WATERSHED IMPROVEMENT FUND == FY 2005=2006.  
4 1 Notwithstanding section 455G.3, subsection 1, there is  
4 2 appropriated from the Iowa comprehensive petroleum  
4 3 underground storage tank fund created in section  
4 4 455G.3, subsection 1, to the office of the treasurer  
4 5 of state during the fiscal year beginning July 1,

4 6 2005, and ending June 30, 2006, the following amount,  
 4 7 or so much thereof as is necessary, to be used for the  
 4 8 purpose designated:  
 4 9 For deposit in the watershed improvement fund  
 4 10 created in 2005 Iowa Acts, Senate File 200, if  
 4 11 enacted:  
 4 12 ..... \$ 5,000,000  
 4 13 Moneys in the watershed improvement fund are  
 4 14 appropriated for the fiscal year beginning July 1,  
 4 15 2005, and ending June 30, 2006, to fulfill the duties  
 4 16 of the watershed improvement review board, if enacted  
 4 17 by 2005 Iowa Acts, Senate File 200.>  
 4 18 ~~\_\_\_\_\_~~. Page 6, by striking lines 31 through 35.  
 4 19 ~~\_\_\_\_\_~~. By striking page 7, line 1, through page 11,  
 4 20 line 16.  
 4 21 ~~\_\_\_\_\_~~. Page 11, by inserting before line 17, the  
 4 22 following:  
 4 23 <Sec. \_\_\_\_\_. 2005 Iowa Acts, House File 862, section  
 4 24 1, subsection 2, paragraph h, unnumbered paragraph 1,  
 4 25 and paragraph i, unnumbered paragraph 1, if enacted,  
 4 26 are amended to read as follows:  
 4 27 For a grant program to provide substance abuse  
 4 28 prevention programming for children:  
 4 29 ..... \$ ~~400,000~~  
 4 30 200,000  
 4 31 For a grant to a program that utilizes high school  
 4 32 mentors to teach life skills, violence prevention, and  
 4 33 character education in an effort to reduce the illegal  
 4 34 use of alcohol, tobacco, and other substances:  
 4 35 ..... \$ ~~400,000~~  
 4 36 200,000  
 4 37 Sec. \_\_\_\_\_. 2005 Iowa Acts, House File 862, section  
 4 38 1, subsection 2, paragraph j, if enacted, is amended  
 4 39 to read as follows:  
 4 40 j. For a grant program to provide substance abuse  
 4 41 prevention programming, including tobacco use  
 4 42 prevention programming, for children:  
 4 43 ..... \$ ~~800,000~~  
 4 44 400,000  
 4 45 The Iowa department of public health shall utilize  
 4 46 a request for proposals process to implement this  
 4 47 paragraph "j". A program approved for a grant under  
 4 48 paragraph "h" or paragraph "i" shall not be eligible  
 4 49 for a grant under this paragraph "j".  
 4 50 Eligible grant applicants shall include, but shall  
 5 1 not be limited to, mentoring organizations and  
 5 2 organizations that practice and implement nationally  
 5 3 accepted standards for mentoring programs.  
 5 4 All grant recipients shall participate in a program  
 5 5 evaluation as a requirement for receiving grant funds.  
 5 6 Sec. \_\_\_\_\_. NATIONAL GOVERNORS ASSOCIATION MEETING.  
 5 7 2004 Iowa Acts, chapter 1175, section 12, subsection  
 5 8 4, as amended by 2005 Iowa Acts, House File 810, if  
 5 9 enacted, is amended to read as follows:  
 5 10 4. NATIONAL GOVERNORS ASSOCIATION  
 5 11 For payment of Iowa's membership in the national  
 5 12 governors association:  
 5 13 ..... \$ ~~364,393~~  
 5 14 164,393  
 5 15 Of the funds appropriated in this subsection,  
 5 16 ~~\$300,000~~ \$100,000 is allocated for security-related  
 5 17 costs and other expenses associated with the national  
 5 18 governors association national meeting.  
 5 19 Notwithstanding section 8.33, the moneys allocated for  
 5 20 the meeting that remain unencumbered or unobligated at  
 5 21 the close of the fiscal year shall not revert but  
 5 22 shall remain available for expenditure for the  
 5 23 purposes designated until the close of the succeeding  
 5 24 fiscal year.  
 5 25 Sec. \_\_\_\_\_. 2005 Iowa Acts, House File 881, section  
 5 26 5, unnumbered paragraph 1, if enacted, is amended to  
 5 27 read as follows:  
 5 28 There is appropriated from the general fund of the  
 5 29 state to the salary adjustment fund for distribution  
 5 30 by the department of management to the various state  
 5 31 departments, boards, commissions, councils, and  
 5 32 agencies, excluding the state board of regents, for  
 5 33 the fiscal year beginning July 1, 2005, and ending  
 5 34 June 30, 2006, the amount of ~~\$38,500,000~~ 40,900,000,  
 5 35 or so much thereof as may be necessary, to fully fund  
 5 36 annual pay adjustments, expense reimbursements, and

5 37 related benefits implemented pursuant to the  
5 38 following:>  
5 39 #strike>\_\_\_\_. By striking page 12, line 18, through page  
5 40 13, line 4.  
5 41 #strike>\_\_\_\_. Page 13, by striking lines 27 through 33.  
5 42 #strike>\_\_\_\_. Page 13, by inserting before line 34, the  
5 43 following:  
5 44 <\_\_\_\_. The sections of this division of this Act  
5 45 appropriating moneys to the department of cultural  
5 46 affairs for great places and amending 2004 Iowa Acts,  
5 47 chapter 1175, section 12, subsection 4, being deemed  
5 48 of immediate importance, take effect upon enactment.>  
5 49 #strike>\_\_\_\_. Page 13, by inserting before line 34 the  
5 50 following:

6 1                                   <DIVISION \_\_\_\_  
6 2                                   APPROPRIATION REVISIONS  
6 3       Sec. \_\_\_\_\_. JOBS FOR AMERICA'S GRADUATES. There is  
6 4 appropriated from the general fund of the state to the  
6 5 department of education for the fiscal year beginning  
6 6 July 1, 2005, and ending June 30, 2006, the following  
6 7 amount, or so much thereof as is necessary, to be used  
6 8 for the purpose designated:  
6 9       For school districts to provide direct services to  
6 10 the most at-risk senior high school students enrolled  
6 11 in school districts through direct intervention by a  
6 12 jobs for America's graduates specialist:  
6 13 ..... \$           400,000  
6 14       Sec. \_\_\_\_\_. DEPARTMENT OF ADMINISTRATIVE SERVICES ==  
6 15 FINANCIAL ADMINISTRATION. There is appropriated from  
6 16 the general fund of the state to the department of  
6 17 administrative services for the fiscal year beginning  
6 18 July 1, 2005, and ending June 30, 2006, the following  
6 19 amount, or so much thereof as is necessary, to be used  
6 20 for the purpose designated:  
6 21       For financial administration duties:  
6 22 ..... \$           200,000  
6 23       Sec. \_\_\_\_\_. DEPARTMENT OF MANAGEMENT == PERFORMANCE  
6 24 AUDITS. There is appropriated from the general fund  
6 25 of the state to the department of management for the  
6 26 fiscal year beginning July 1, 2005, and ending June  
6 27 30, 2006, the following amount, or so much thereof as  
6 28 is necessary, to be used for the purposes designated:  
6 29       For conducting performance audits and developing  
6 30 performance measures, including salaries, support,  
6 31 maintenance, miscellaneous purposes, and for not more  
6 32 than the following full-time equivalent positions:  
6 33 ..... \$           216,000  
6 34 ..... FTEs           2.50  
6 35       Sec. \_\_\_\_\_. GOVERNOR'S OFFICE OF DRUG CONTROL  
6 36 POLICY. If 2005 Iowa Acts, House File 810, is enacted  
6 37 and provides for an appropriation from the general  
6 38 fund of the state to the governor's office of drug  
6 39 control policy for the fiscal year beginning July 1,  
6 40 2005, and ending June 30, 2006, that appropriation is  
6 41 reduced by the following amount:  
6 42 ..... \$           13,195  
6 43       Sec. \_\_\_\_\_. DEPARTMENT OF INSPECTIONS AND APPEALS ==  
6 44 ADMINISTRATION DIVISION. If 2005 Iowa Acts, House  
6 45 File 810, is enacted and provides for an appropriation  
6 46 from the general fund of the state to the department  
6 47 of inspections and appeals, administration division,  
6 48 for the fiscal year beginning July 1, 2005, and ending  
6 49 June 30, 2006, that appropriation is reduced by the  
6 50 following amount:  
7 1 ..... \$           49,000  
7 2       Sec. \_\_\_\_\_. DEPARTMENT OF REVENUE == OPERATIONS. If  
7 3 2005 Iowa Acts, House File 810, is enacted and  
7 4 provides for an appropriation from the general fund of  
7 5 the state to the department of revenue for operations  
7 6 for the fiscal year beginning July 1, 2005, and ending  
7 7 June 30, 2006, that appropriation is reduced by the  
7 8 following amount:  
7 9 ..... \$           25,882  
7 10       Sec. \_\_\_\_\_. DEPARTMENT OF AGRICULTURE AND LAND  
7 11 STEWARDSHIP == SOIL AND WATER CONSERVATION DISTRICTS.  
7 12 If 2005 Iowa Acts, House File 808, is enacted and  
7 13 provides for an appropriation from the general fund of  
7 14 the state to the department of agriculture and land  
7 15 stewardship for purposes of reimbursing commissioners  
7 16 of soil and water conservation districts for expenses,  
7 17 for the fiscal year beginning July 1, 2005, and ending

7 18 June 30, 2006, that appropriation is reduced by the  
 7 19 following amount:  
 7 20 ..... \$ 50,000  
 7 21 Sec. \_\_\_\_ COLLEGE STUDENT AID COMMISSION. If 2005  
 7 22 Iowa Acts, House File 816, is enacted and provides for  
 7 23 an appropriation from the general fund of the state to  
 7 24 the college student aid commission for the national  
 7 25 guard educational assistance program for the fiscal  
 7 26 year beginning July 1, 2005, and ending June 30, 2006,  
 7 27 that appropriation is reduced by the following amount:  
 7 28 ..... \$ 75,000  
 7 29 Sec. \_\_\_\_ DEPARTMENT OF MANAGEMENT. If 2005 Iowa  
 7 30 Acts, House File 816 is enacted and provides for an  
 7 31 appropriation from the general fund of the state to  
 7 32 the department of management for allocation to the  
 7 33 institute for tomorrow's workforce created under  
 7 34 chapter 7K, if enacted by 2005 Iowa Acts, House File  
 7 35 816, for the fiscal year beginning July 1, 2005, and  
 7 36 ending June 30, 2006, that appropriation is reduced by  
 7 37 the following amount:  
 7 38 ..... \$ 100,000  
 7 39 Sec. \_\_\_\_ IOWA DEPARTMENT OF PUBLIC HEALTH. If  
 7 40 2005 Iowa Acts, House File 825, is enacted and  
 7 41 provides for appropriations from the general fund of  
 7 42 the state to the Iowa department of public health for  
 7 43 the fiscal year beginning July 1, 2005, and ending  
 7 44 June 30, 2006, for the following indicated purposes in  
 7 45 2005 Iowa Acts, House File 825, those appropriations  
 7 46 are reduced by the following amounts:  
 7 47 1. For environmental hazards:  
 7 48 ..... \$ 50,000  
 7 49 2. For injuries:  
 7 50 ..... \$ 50,000  
 8 1 3. For public protection:  
 8 2 ..... \$ 40,000  
 8 3 Sec. \_\_\_\_ MEDICAL ASSISTANCE APPROPRIATION. If  
 8 4 2005 Iowa Acts, House File 825, is enacted and  
 8 5 provides for an appropriation from the general fund of  
 8 6 the state to the department of human services for the  
 8 7 fiscal year beginning July 1, 2005, and ending June  
 8 8 30, 2006, for the medical assistance program, that  
 8 9 appropriation is reduced by the following amount:  
 8 10 ..... \$ 11,353,381  
 8 11 Sec. \_\_\_\_ SENIOR LIVING TRUST FUND APPROPRIATION.  
 8 12 If 2005 Iowa Acts, House File 825, is enacted and  
 8 13 provides for an appropriation from the senior living  
 8 14 trust fund to the department of human services for the  
 8 15 fiscal year beginning July 1, 2005, and ending June  
 8 16 30, 2006, to supplement the medical assistance  
 8 17 appropriation, that appropriation is increased by the  
 8 18 following amount:  
 8 19 ..... \$ 9,353,381  
 8 20 Sec. \_\_\_\_ DEPARTMENT OF HUMAN SERVICES. If 2005  
 8 21 Iowa Acts, House File 825, is enacted and provides for  
 8 22 appropriations from the general fund of the state to  
 8 23 the department of human services for the fiscal year  
 8 24 beginning July 1, 2005, and ending June 30, 2006, for  
 8 25 the following indicated purposes, those appropriations  
 8 26 are reduced by the following amounts:  
 8 27 1. For the children's health insurance program:  
 8 28 ..... \$ 50,000  
 8 29 2. For MI/MR/DD state cases:  
 8 30 ..... \$ 50,000  
 8 31 Sec. \_\_\_\_ DEPARTMENT OF JUSTICE == GENERAL OFFICE.  
 8 32 If 2005 Iowa Acts, House File 811, is enacted and  
 8 33 provides for an appropriation from the general fund of  
 8 34 the state to the department of justice for the  
 8 35 department's general office, that appropriation is  
 8 36 reduced by the following amount:  
 8 37 ..... \$ 25,000  
 8 38 Sec. \_\_\_\_ DEPARTMENT OF CORRECTIONS. If 2005 Iowa  
 8 39 Acts, House File 811, is enacted and provides for an  
 8 40 appropriation from the general fund of the state to  
 8 41 the department of corrections for offender substance  
 8 42 abuse and mental health treatment for the fiscal year  
 8 43 beginning July 1, 2005, and ending June 30, 2006, that  
 8 44 appropriation is reduced by the following amount:  
 8 45 ..... \$ 100,000  
 8 46 Sec. \_\_\_\_ DEPARTMENT OF PUBLIC SAFETY == BUILDING  
 8 47 SECURITY. If 2005 Iowa Acts, House File 875, is  
 8 48 enacted and provides for an appropriation from the



8 49 general fund of the state to the department of public  
 8 50 safety for capitol building and judicial building  
 9 1 security for the fiscal year beginning July 1, 2005,  
 9 2 and ending June 30, 2006, that appropriation is  
 9 3 reduced by the following amount:  
 9 4 ..... \$ 25,000  
 9 5 Sec. \_\_\_\_ JUDICIAL BRANCH. If 2005 Iowa Acts,  
 9 6 House File 807, is enacted and provides for an  
 9 7 appropriation from the general fund of the state to  
 9 8 the judicial branch for the fiscal year beginning July  
 9 9 1, 2005, and ending June 30, 2006, that appropriation  
 9 10 is reduced by the following amount:  
 9 11 ..... \$ 50,000  
 9 12 Sec. \_\_\_\_ REGISTERED NURSE RECRUITMENT PROGRAM  
 9 13 FUNDS. From the funds appropriated for tuition grants  
 9 14 pursuant to section 261.25, subsection 1, for the  
 9 15 fiscal year beginning July 1, 2005, up to fifty  
 9 16 thousand dollars shall be used to provide forgivable  
 9 17 loans as provided in section 261.23 to residents of  
 9 18 Iowa who are registered nurses and who are seeking to  
 9 19 become qualified as nursing faculty in Iowa and to  
 9 20 teach in Iowa schools. To qualify for a forgivable  
 9 21 loan pursuant to this section, in addition to the  
 9 22 requirements of section 261.23, a person shall be  
 9 23 enrolled at a not-for-profit accredited school of  
 9 24 nursing that is located in this state.  
 9 25 Sec. \_\_\_\_ HEALTH FACILITIES COUNCIL. If 2005 Iowa  
 9 26 Acts, House File 810, is enacted and includes an  
 9 27 appropriation from the general fund of the state to  
 9 28 the department of inspections and appeals for the  
 9 29 health facilities council for the fiscal year  
 9 30 beginning July 1, 2005, and ending June 30, 2006, any  
 9 31 provision of that appropriation designating the use of  
 9 32 \$80,000 and a full-time equivalent position for a  
 9 33 particular purpose shall not be applied.  
 9 34 Sec. \_\_\_\_ YOUTH ENRICHMENT PILOT PROJECT == YOUTH  
 9 35 LEADERSHIP PROGRAM.  
 9 36 1. Of the funds appropriated in 2005 Iowa Acts,  
 9 37 House File 807, if enacted, from the general fund of  
 9 38 the state to the judicial branch for purposes of a  
 9 39 youth enrichment pilot project, for the fiscal year  
 9 40 beginning July 1, 2005, and ending June 30, 2006,  
 9 41 \$50,000 is transferred to the department of  
 9 42 corrections to be used for a youth leadership program  
 9 43 in the sixth judicial district department of  
 9 44 correctional services in accordance with subsection 2.  
 9 45 2. The moneys transferred pursuant to subsection 1  
 9 46 shall be used by the judicial district department of  
 9 47 correctional services to establish or maintain a youth  
 9 48 leadership model program to help at-risk youth in the  
 9 49 judicial district department of correctional services.  
 9 50 As a part of the program, the judicial district  
 10 1 department of correctional services may recruit  
 10 2 college or high school students in the judicial  
 10 3 district to work with at-risk youth. The student  
 10 4 workers shall be recruited regardless of gender, be  
 10 5 recommended by their respective schools as good role  
 10 6 models, including, but not limited to, students who  
 10 7 possess capabilities in one or more of the following  
 10 8 areas of ability: intellectual capacity, athletic,  
 10 9 visual arts, or performing arts.  
 10 10 Sec. \_\_\_\_ CENTER FOR CONGENITAL AND INHERITED  
 10 11 DISORDERS CENTRAL REGISTRY. Notwithstanding section  
 10 12 144.13A, subsection 4, paragraph "a", for the fiscal  
 10 13 year beginning July 1, 2005, \$40,000 of the fees  
 10 14 collected by the state registrar that would otherwise  
 10 15 be appropriated and used for the center for congenital  
 10 16 and inherited disorders central registry established  
 10 17 pursuant to section 136A.6 shall be credited to the  
 10 18 general fund of the state.>  
 10 19 #strike> \_\_\_\_ Page 13, by inserting after line 35, the  
 10 20 following:  
 10 21 <Sec. \_\_\_\_ Section 8D.2, subsection 5, paragraph  
 10 22 b, Code 2005, is amended to read as follows:  
 10 23 b. For the purposes of this chapter, "public  
 10 24 agency" also includes any homeland security or defense  
 10 25 facility or disaster response agency established by  
 10 26 the administrator of the homeland security and  
 10 27 emergency management division of the department of  
 10 28 public defense or the governor or any facility  
 10 29 connected with a security or defense system or

10 30 disaster response as required by the administrator of  
10 31 the homeland security and emergency management  
10 32 division of the department of public defense or the  
10 33 governor.

10 34 Sec. \_\_\_\_\_. Section 8D.9, subsection 3, Code 2005,  
10 35 is amended to read as follows:

10 36 3. A facility that is considered a public agency  
10 37 pursuant to section 8D.2, subsection 5, paragraph "b",  
10 38 shall be authorized to access the Iowa communications  
10 39 network strictly for homeland security communication  
10 40 purposes and disaster communication purposes. Any  
10 41 utilization of the network that is not related to  
10 42 communications concerning homeland security or a  
10 43 disaster, as defined in section 29C.2, is expressly  
10 44 prohibited. Access under this subsection shall be  
10 45 available only if a state of disaster emergency is  
10 46 proclaimed by the governor pursuant to section 29C.6  
10 47 or a homeland security or disaster event occurs  
10 48 requiring connection of disparate communications  
10 49 systems between public agencies to provide for a  
10 50 multi-agency or multi-jurisdictional response. Access  
11 1 shall continue only for the period of time the  
11 2 homeland security or disaster event exists. For  
11 3 purposes of this subsection, disaster communication  
11 4 purposes includes training and exercising for a  
11 5 disaster if public notice of the training and  
11 6 exercising session is posted on the website of the  
11 7 homeland security and emergency management division of  
11 8 the department of public defense. A scheduled and  
11 9 noticed training and exercising session shall not  
11 10 exceed five days. Interpretation and application of  
11 11 the provisions of this subsection shall be strictly  
11 12 construed.>

11 13 ~~#strike>\_\_\_\_\_~~. By striking page 14, line 1, through page  
11 14 15, line 17.

11 15 ~~#strike>\_\_\_\_\_~~. Page 18, by inserting after line 30, the  
11 16 following:

11 17 <Sec. \_\_\_\_\_. Section 331.439, Code 2005, is amended  
11 18 by adding the following new subsection:

11 19 NEW SUBSECTION. 9. The county management plan  
11 20 shall designate at least one hospital licensed under  
11 21 chapter 135B that the county has contracted with to  
11 22 provide services covered under the plan. If the  
11 23 designated hospital does not have a bed available to  
11 24 provide the services, the county is responsible for  
11 25 the cost of covered services provided at an alternate  
11 26 hospital licensed under chapter 135B.

11 27 Sec. \_\_\_\_\_. Section 364.17, subsection 3, paragraph  
11 28 a, Code 2005, is amended to read as follows:

11 29 a. A schedule of civil penalties or criminal fines  
11 30 for violations. A city may charge the owner of  
11 31 housing a late payment fee of twenty-five dollars and  
11 32 may add interest of up to one and one-half percent per  
11 33 month if a penalty or fine imposed under this  
11 34 paragraph is not paid within thirty days of the date  
11 35 that the penalty or fine is due. The city shall send  
11 36 a notice of the late payment fee to such owner by  
11 37 first class mail to the owner's personal or business  
11 38 mailing address. The late payment fee and the  
11 39 interest shall not accrue if such owner files an  
11 40 appeal with either the city, if the city has  
11 41 established an appeals procedure, or the district  
11 42 court. Any unpaid penalty, fine, fee, or interest  
11 43 shall constitute a lien on the real property and may  
11 44 be collected in the same manner as a property tax.  
11 45 However, before a lien is filed, the city shall send a  
11 46 notice of intent to file a lien to the owner of the  
11 47 housing by first class mail to such owner's personal  
11 48 or business mailing address.

11 49 Sec. \_\_\_\_\_. Section 364.17, subsection 5, Code 2005,  
11 50 is amended to read as follows:

12 1 5. Cities may establish reasonable fees for  
12 2 inspection and enforcement procedures. A city may  
12 3 charge the owner of housing a late payment penalty of  
12 4 twenty-five dollars and may add interest of up to one  
12 5 and one-half percent per month if a fee imposed under  
12 6 this subsection is not paid within thirty days of the  
12 7 date that the fee is due. The city shall send a  
12 8 notice of the late payment penalty to such owner by  
12 9 first class mail to the owner's personal or business  
12 10 mailing address. The late payment penalty and the

~~12 11 interest shall not accrue if such owner files an~~  
~~12 12 appeal with either the city, if the city has~~  
~~12 13 established an appeals procedure, or the district~~  
~~12 14 court. Any unpaid fee, penalty, or interest shall~~  
~~12 15 constitute a lien on the real property and may be~~  
~~12 16 collected in the same manner as a property tax.~~  
~~12 17 However, before a lien is filed, the city shall send a~~  
~~12 18 notice of intent to file a lien to the owner of the~~  
~~12 19 housing by first class mail to such owner's personal~~  
~~12 20 or business mailing address.~~

12 21 Sec. \_\_\_\_\_. Section 384.16, subsection 1, unnumbered  
12 22 paragraph 2, Code 2005, is amended to read as follows:

12 23 A budget must show comparisons between the  
12 24 estimated expenditures in each program in the  
12 25 following year ~~and the actual expenditures in each~~  
~~12 26 program during the two preceding years, the latest~~  
~~12 27 estimated expenditures in each program in the current~~  
~~12 28 year, and the actual expenditures in each program from~~  
~~12 29 the annual report as provided in section 384.22, or as~~  
~~12 30 corrected by a subsequent audit report. Wherever~~

12 31 practicable, as provided in rules of the committee, a  
12 32 budget must show comparisons between the levels of  
12 33 service provided by each program as estimated for the  
12 34 following year, and actual levels of service provided  
12 35 by each program during the two preceding years.

12 36 Sec. \_\_\_\_\_. Section 384.16, Code 2005, is amended by  
12 37 adding the following new subsection:

12 38 NEW SUBSECTION. 7. A city that does not submit a  
12 39 budget in compliance with this section shall have all  
12 40 state funds withheld until a budget that is in  
12 41 compliance with this section is filed with the county  
12 42 auditor and subsequently received by the department of  
12 43 management. The department of management shall send  
12 44 notice to state agencies responsible for disbursement  
12 45 of state funds and that notice is sufficient  
12 46 authorization for those funds to be withheld until  
12 47 later notice is given by the department of management  
12 48 to release those funds.>

12 49 ~~#strike>~~\_\_\_\_\_. Page 20, by inserting after line 34, the  
12 50 following:

13 1 <Sec. \_\_\_\_\_. Section 427.1, subsection 21, Code  
13 2 2005, is amended to read as follows:

13 3 21. LOW=RENT HOUSING. The property owned and  
13 4 operated ~~or controlled~~ by a nonprofit organization, as  
~~13 5 recognized by the internal revenue service, providing~~  
13 6 low-rent housing for persons who are elderly and  
13 7 persons with physical and mental disabilities. The  
13 8 exemption granted under the provisions of this  
13 9 subsection shall apply only until the ~~terms final~~  
~~13 10 payment due date of the borrower's original low-rent~~  
~~13 11 housing development mortgage or until the borrower's~~  
~~13 12 original low-rent housing development mortgage is paid~~  
13 13 in full or expires, whichever is sooner, subject to  
13 14 the provisions of subsection 14. However, if the  
~~13 15 borrower's original low-rent housing development~~  
~~13 16 mortgage is refinanced, the exemption shall apply only~~  
~~13 17 until the date that would have been the final payment~~  
~~13 18 due date under the terms of the borrower's original~~  
~~13 19 low-rent housing development mortgage or until the~~  
~~13 20 refinanced mortgage is paid in full or expires,~~  
~~13 21 whichever is sooner, subject to the provisions of~~  
~~13 22 subsection 14.>~~

13 23 ~~#strike>~~\_\_\_\_\_. Page 21, by inserting after line 8, the  
13 24 following:

13 25 <Sec. \_\_\_\_\_. Section 427.1, subsection 30, Code  
13 26 2005, is amended to read as follows:

13 27 30. MANUFACTURED HOME COMMUNITY OR MOBILE HOME  
13 28 PARK STORM SHELTER. A structure constructed as a  
13 29 storm shelter at a manufactured home community or  
13 30 mobile home park as defined in section 435.1. An  
13 31 application for this exemption shall be filed with the  
13 32 assessing authority not later than February 1 of the  
13 33 first year for which the exemption is requested, on  
13 34 forms provided by the department of revenue. The  
13 35 application shall describe and locate the storm  
13 36 shelter to be exempted. If the storm shelter  
13 37 structure is used exclusively as a storm shelter, all  
13 38 of the structure's assessed value shall be exempt from  
13 39 taxation. If the storm shelter structure is not used  
13 40 exclusively as a storm shelter, the storm shelter  
13 41 structure shall be assessed for taxation at ~~seventy=~~



~~13 42 five fifty~~ percent of its value as commercial  
13 43 property.>  
13 44 ~~#strike>\_\_\_~~. Page 23, by inserting after line 35, the  
13 45 following:  
13 46 <Sec. \_\_\_\_\_. Section 602.10110, Code 2005, is  
13 47 amended to read as follows:  
13 48 602.10110 OATH.  
13 49 All persons on being admitted to the bar shall take  
13 50 an oath or affirmation, as promulgated by the supreme  
~~14 1 court, declaring~~ to support the Constitutions of the  
14 2 United States and of the state of Iowa, and to  
14 3 faithfully discharge, according to the best of their  
~~14 4 ability, the duties of an attorney and counselor of~~  
~~14 5 this state according to the best of their ability.~~  
14 6 Sec. \_\_\_\_\_. Section 692A.4A, if enacted by 2005 Iowa  
14 7 Acts, House File 619, is amended to read as follows:  
14 8 692A.4A ELECTRONIC MONITORING.  
14 9 A person required to register under this chapter  
14 10 who is placed on probation, parole, work release,  
14 11 special sentence, or any other type of conditional  
14 12 release, may be supervised by an electronic tracking  
14 13 and monitoring system in addition to any other  
14 14 conditions of supervision. However, if the person  
14 15 committed a criminal offense against a minor, or an  
14 16 aggravated offense, sexually violent offense, or other  
14 17 relevant offense that involved a minor, the person  
14 18 shall be supervised for a period of at least five  
~~14 19 years~~ by an electronic tracking and monitoring system  
14 20 in addition to any other conditions of release.  
14 21 Sec. \_\_\_\_\_. Section 692A.13A, subsection 1,  
14 22 unnumbered paragraph 1, if enacted by 2005 Iowa Acts,  
14 23 House File 619, is amended to read as follows:  
14 24 The department of corrections, the department of  
14 25 human services, and the department of public safety  
14 26 shall, in consultation with one another, develop  
14 27 methods and procedures for the assessment of the risk  
14 28 to reoffend for persons newly required to register  
14 29 under this chapter on or after the effective date of  
14 30 this division of this Act, who have committed a  
14 31 criminal offense against a minor, or an aggravated  
14 32 offense, sexually violent offense, or other relevant  
14 33 offense that involved a minor. The department of  
14 34 corrections, in consultation with the department of  
14 35 human services, the department of public safety, and  
14 36 the attorney general, shall adopt rules relating to  
14 37 assessment procedures. The assessment procedures  
14 38 shall include procedures for the sharing of  
14 39 information between the department of corrections,  
14 40 department of human services, the juvenile court, and  
14 41 the division of criminal investigation of the  
14 42 department of public safety, as well as the  
14 43 communication of the results of the risk assessment to  
14 44 criminal and juvenile justice agencies. The  
14 45 assignment of responsibility for the assessment of  
14 46 risk shall be as follows:  
14 47 Sec. \_\_\_\_\_. Section 602.10112, Code 2005, is  
14 48 repealed.>  
14 49 ~~#strike>\_\_\_~~. Page 24, by inserting before line 1, the  
14 50 following:  
15 1 <Sec. \_\_\_\_\_. VEHICLE DEALERSHIP STUDY. The  
15 2 legislative council is requested to appoint an interim  
15 3 study committee that will study the motor vehicle  
15 4 licensing law as it pertains to motor vehicle  
15 5 dealerships' moves from one facility and location to  
15 6 another facility and location in the state. A report  
15 7 should be provided to the general assembly by January  
15 8 15, 2006.>  
15 9 #2. Page 24, line 18, by striking the word  
15 10 <section> and inserting the following: <sections>.  
15 11 #3. Page 24, line 19, by inserting after the word  
15 12 <Act> the following: <amending section 427.1,  
15 13 subsection 21, and>.  
15 14 #4. Page 24, line 20, by striking the words <a  
15 15 property tax exemption> and inserting the following:  
15 16 <property tax exemptions>.  
15 17 #5. Page 24, by inserting after line 21, the  
15 18 following:  
15 19 <Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY DATE. The  
15 20 section of this division of this Act amending section  
15 21 423E.5, being deemed of immediate importance, takes  
15 22 effect upon enactment and applies retroactively to

15 23 July 1, 2004.  
15 24 Sec. \_\_\_\_\_. EFFECTIVE AND APPLICABILITY DATES. The  
15 25 sections of this division of this Act amending section  
15 26 427.1, subsection 21, and enacting new subsection 21A  
15 27 to section 427.1, being deemed of immediate  
15 28 importance, take effect upon enactment and apply  
15 29 retroactively to January 1, 2005, for assessment years  
15 30 beginning on or after that date.  
15 31 Sec. \_\_\_\_\_. APPLICABILITY. Section 25B.7 does not  
15 32 apply to the amendment to section 427.1, subsection  
15 33 30, in this division of this Act.>  
15 34 ~~\_\_\_\_\_~~. Page 24, by inserting after line 27, the  
15 35 following:  
15 36 <Sec. \_\_\_\_\_. EFFECTIVE DATE. The sections of this  
15 37 division of this Act amending section 602.10110 and  
15 38 repealing section 602.10112, being deemed of immediate  
15 39 importance, take effect upon enactment.>  
15 40 ~~\_\_\_\_\_~~. By striking page 24, line 28, through page  
15 41 28, line 30.  
15 42 ~~\_\_\_\_\_~~. By striking page 35, line 25, through page  
15 43 36, line 25 and inserting the following:  
15 44 <Sec. \_\_\_\_\_. COUNTY REAL ESTATE ELECTRONIC  
15 45 GOVERNMENT ADVISORY COMMITTEE.  
15 46 1. A county real estate electronic government  
15 47 advisory committee is created. Staffing services for  
15 48 the advisory committee shall be provided by the  
15 49 auditor of state. The advisory committee membership  
15 50 shall consist of the following:  
16 1 a. Two members selected by the Iowa state  
16 2 association of county auditors.  
16 3 b. Two members selected by the Iowa state county  
16 4 treasurers association.  
16 5 c. Two members selected by the Iowa county  
16 6 recorders association.  
16 7 d. Two members selected by the Iowa state  
16 8 association of assessors.  
16 9 e. One member selected by each of the following  
16 10 organizations:  
16 11 (1) Iowa state association of counties.  
16 12 (2) Iowa land title association.  
16 13 (3) Iowa bankers association.  
16 14 (4) Iowa credit union league.  
16 15 (5) Iowa state bar association.  
16 16 (6) Iowa association of realtors.  
16 17 2. The county real estate electronic government  
16 18 advisory committee shall facilitate discussion to  
16 19 integrate the county land record information system  
16 20 created pursuant to section 331.605C with the  
16 21 electronic government internet applications of county  
16 22 treasurers, county recorders, county auditors, and  
16 23 county assessors. The advisory committee shall file  
16 24 an integration plan with the governor and the general  
16 25 assembly on or before November 1, 2005.>  
16 26 ~~#6.~~ By striking page 36, line 34, through page 37,  
16 27 line 2, and inserting the following: <of the county  
16 28 land record information system. The Iowa county  
16 29 recorders>.  
16 30 ~~#7.~~ Page 37, by striking line 21, and inserting  
16 31 the following: <documents in the county land record  
16 32 information system until authorized by the>.  
16 33 ~~#8.~~ Page 37, line 22, by inserting after the word  
16 34 <assembly> the following: <However, county recorders  
16 35 may collect actual third-party fees associated with  
16 36 accepting and processing statutorily authorized fees  
16 37 including credit card fees, treasury management fees,  
16 38 and other transaction fees required to enable  
16 39 electronic payment. For the purposes of this  
16 40 subsection, the term "third-party" does not include  
16 41 the county land record information system, the Iowa  
16 42 state association of counties, or any of the  
16 43 association's affiliates.>  
16 44 ~~#9.~~ Page 37, lines 24 and 25, by striking the  
16 45 words <and the department of administrative services>.  
16 46 ~~#10.~~ Page 37, by inserting after line 33, the  
16 47 following:  
16 48 <Sec. \_\_\_\_\_. DATA SECURITY AUDIT.  
16 49 1. The Iowa county recorders association shall  
16 50 select a vendor to conduct a data security audit of  
17 1 the county land record information system created  
17 2 pursuant to section 331.605C. The review and  
17 3 assessment utilized in the audit shall include, but

17 4 are not limited to, a review of the functional and  
17 5 system requirements, design documentation, software  
17 6 code developed to support the business requirements,  
17 7 operational procedures, financial flows including a  
17 8 financial forecast, requests for proposals, and all  
17 9 contracts.

17 10 2. The costs of the data security audit conducted  
17 11 pursuant to subsection 1 shall be paid from moneys  
17 12 appropriated to the treasurer of state pursuant to  
17 13 section 331.605C.

17 14 3. The Iowa county recorders association shall  
17 15 forward the complete results of the data security  
17 16 audit to the government oversight committees of the  
17 17 senate and the house of representatives and the  
17 18 general assembly on or before December 1, 2005, and  
17 19 the government oversight committees may request  
17 20 additional updates.>

17 21 ~~#strike>\_\_\_\_.~~ Page 39, by striking lines 26 through 33.  
17 22 ~~#strike>\_\_\_\_.~~ Page 39, by inserting before line 34 the  
17 23 following:

17 24 <Sec. \_\_\_\_.

17 25 Section 28.3, subsection 6, paragraph  
17 26 b, Code 2005, as amended by 2005 Iowa Acts, House File  
17 27 761, section 5, if enacted, is amended to read as  
17 28 follows:

17 29 b. In addition, a community empowerment office is  
17 30 established as a division of the department of  
17 31 management to provide a center for facilitation,  
17 32 communication, and coordination for community  
17 33 empowerment activities and funding and for improvement  
17 34 of the early care, education, health, and human  
17 35 services systems. Staffing for the community  
17 36 empowerment office shall be provided by a facilitator  
17 37 or coordinator appointed by the governor, subject to  
17 38 confirmation by the senate, and who serves at the  
17 39 pleasure of the governor. A deputy and support staff  
17 40 may be designated, subject to appropriation made for  
17 41 this purpose. The facilitator or coordinator shall  
17 42 submit reports to the governor, the Iowa board, and  
17 43 the general assembly. The facilitator or coordinator  
17 44 shall provide primary staffing to the board,  
17 45 coordinate state technical assistance activities and  
17 46 implementation of the technical assistance system, and  
17 47 other communication and coordination functions to move  
17 48 authority and decision-making responsibility from the  
17 49 state to communities and individuals.

17 50 Sec. \_\_\_\_.

17 51 Section 28.4, subsection 14, if enacted  
17 52 by 2005 Iowa Acts, House File 761, section 9, is  
17 53 amended to read as follows:

17 54 14. With the assistance of the state departments  
17 55 represented on the Iowa empowerment board and the  
17 56 community empowerment office, develop and implement  
17 57 requirements for community empowerment areas and the  
17 58 state administrators of programs providing early care  
17 59 or early care services to annually report to the  
17 60 public and the early care ~~coordinator staff designated~~  
17 61 pursuant to section 28.3 regarding the results  
17 62 produced by the community empowerment initiative and  
17 63 by the programs. Source data shall also be made  
17 64 available to the early care ~~coordinator~~.>

17 65 ~~#strike>\_\_\_\_.~~ Page 43, by inserting after line 17, the  
17 66 following:

17 67 <\_\_\_\_.

17 68 Section 135M.6, as enacted by 2005 Iowa  
17 69 Acts, House File 724, section 6, is amended to read as  
17 70 follows:

17 71 135M.6 SAMPLE PRESCRIPTION DRUGS.

17 72 This chapter shall not be construed to restrict the  
17 73 use of samples by a physician or other person legally  
17 74 authorized to prescribe drugs ~~pursuant to section~~  
17 75 ~~147.107~~ under state and federal law during the course  
17 76 of the physician's or other person's duties at a  
17 77 medical facility or pharmacy.>

17 78 ~~#strike>\_\_\_\_.~~ Page 46, by inserting after line 18, the  
17 79 following:

17 80 <Sec. \_\_\_\_.

17 81 Section 453A.47A, subsection 4, and  
17 82 subsection 9, unnumbered paragraph 1, as enacted by  
17 83 2005 Iowa Acts, House File 339, section 4, are amended  
17 84 to read as follows:

17 85 4. RETAILER == CIGARETTES AND TOBACCO PRODUCTS. A  
17 86 retailer, as defined in section 453A.1, who holds a  
17 87 permit under division I of this chapter is not  
17 88 required to also obtain a ~~retailer retail~~ permit under

18 35 this division. However, if a retailer, as defined in  
18 36 section 453A.1, only holds a permit under division I  
18 37 of this chapter and that permit is suspended, revoked,  
18 38 or expired, the retailer shall not sell any cigarettes  
18 39 or tobacco products during the time which the permit  
18 40 is suspended, revoked, or expired.

18 41 ~~Retailer~~ Retail permits shall be issued only upon  
18 42 applications, accompanied by the fee indicated above,  
18 43 made upon forms furnished by the department upon  
18 44 written request. The failure to furnish such forms  
18 45 shall be no excuse for the failure to file the form  
18 46 unless absolute refusal is shown. The forms shall  
18 47 specify:

18 48 Sec. \_\_\_\_\_. Section 483A.8, subsection 5, Code 2005,  
18 49 is amended to read as follows:

18 50 5. A nonresident owning land in this state may  
19 1 apply for ~~one of the first six thousand~~ a nonresident  
19 2 ~~antlered or any sex deer licenses not limited to~~  
19 3 ~~antlerless deer hunting license~~, and the provisions of  
19 4 subsection 3 shall apply. However, if a nonresident  
19 5 owning land in this state is unsuccessful in obtaining  
19 6 one of the ~~first six thousand~~ nonresident ~~antlered or~~  
19 7 ~~any sex deer hunting~~ licenses, the landowner shall be  
19 8 given preference for one of the ~~two thousand five~~  
19 9 ~~hundred antlerless deer only nonresident deer hunting~~  
19 10 licenses ~~available pursuant to subsection 3~~. A

19 11 nonresident owning land in this state shall pay the  
19 12 fee for a nonresident antlerless only deer license and  
19 13 the license shall be valid to hunt on the  
19 14 nonresident's land only. ~~A nonresident owning land in~~  
19 15 ~~this state is eligible for only one nonresident deer~~  
19 16 ~~license annually.~~ If one or more parcels of land have

19 17 multiple nonresident owners, only one of the  
19 18 nonresident owners is eligible for a nonresident  
19 19 antlerless only deer license. If a nonresident  
19 20 jointly owns land in this state with a resident, the  
19 21 nonresident shall not be given preference for a  
19 22 nonresident antlerless only deer license. The  
19 23 department may require proof of land ownership from a  
19 24 nonresident landowner applying for a nonresident  
19 25 antlerless only deer license.

19 26 Sec. \_\_\_\_\_. Section 501A.231, subsection 5, if  
19 27 enacted by 2005 Iowa Acts, House File 859, section 17,  
19 28 is amended to read as follows:

19 29 5. The secretary of state may provide for the  
19 30 change of registered office or registered agent on the  
19 31 form prescribed by the secretary of state for the  
19 32 biennial report, provided that the form contains the  
19 33 information required by section 501A.402. If the  
19 34 secretary of state determines that a biennial report  
19 35 does not contain the information required by this  
19 36 section but otherwise meets the requirements of  
19 37 ~~section 501.402~~ 501A.402 for the purpose of changing  
19 38 the registered office or registered agent, the  
19 39 secretary of state shall file the statement of change  
19 40 of registered office or registered agent, effective as  
19 41 provided in section 501A.203, before returning the  
19 42 biennial report to the cooperative as provided in this  
19 43 section. A statement of change of registered office  
19 44 or agent pursuant to this subsection shall be executed  
19 45 by a person authorized to execute the biennial report.

19 46 Sec. \_\_\_\_\_. Section 501A.1001, subsection 4, if  
19 47 enacted by 2005 Iowa Acts, House File 859, section 73,  
19 48 is amended to read as follows:

19 49 4. The determinations of the board as to the  
19 50 amount or fair value or the fairness to the  
20 1 cooperative of the contribution accepted or to be  
20 2 accepted by the cooperative or the terms of payment or  
20 3 performance, including under a contribution ~~rights~~  
20 4 ~~agreement~~ in section 501A.1003, and a contribution  
20 5 rights agreement in section 501A.1004, are presumed to  
20 6 be proper if they are made in good faith and on the  
20 7 basis of accounting methods, or a fair valuation or  
20 8 other method, reasonable in the circumstances.  
20 9 Directors who are present and entitled to vote, and  
20 10 who, intentionally or without reasonable  
20 11 investigation, fail to vote against approving a  
20 12 consideration that is unfair to the cooperative, or  
20 13 overvalue property or services received or to be  
20 14 received by the cooperative as a contribution, are  
20 15 jointly and severally liable to the cooperative for

20 16 the benefit of the then members who did not consent to  
20 17 and are damaged by the action to the extent of the  
20 18 damages of those members. A director against whom a  
20 19 claim is asserted under this subsection, except in  
20 20 case of knowing participation in a deliberate fraud,  
20 21 is entitled to contribution on an equitable basis from  
20 22 other directors who are liable under this subsection.  
20 23 Sec. \_\_\_\_\_. Section 10B.4, subsection 1, Code 2005,  
20 24 as amended by 2005 Iowa Acts, House File 859, section  
20 25 102, if enacted, is amended to read as follows:  
20 26 1. A biennial report shall be filed by a reporting  
20 27 entity with the secretary of state on or before March  
20 28 31 of each odd-numbered year as required by rules  
20 29 adopted by the secretary of state pursuant to chapter  
20 30 17A. However, a reporting entity required to file a  
20 31 biennial report pursuant to chapter 490, ~~490A~~, 496C,  
20 32 497, 498, ~~490A~~, 499, 501, 501A, or 504A shall file the  
20 33 report required by this section in the same year as  
20 34 required by that chapter. The reporting entity may  
20 35 file the report required by this section together with  
20 36 the biennial report required to be filed by one of the  
20 37 other chapters referred to in this subsection. The  
20 38 reports shall be filed on forms prepared and supplied  
20 39 by the secretary of state. The secretary of state may  
20 40 provide for combining its reporting forms with other  
20 41 biennial reporting forms required to be used by the  
20 42 reporting entities.  
20 43 Sec. \_\_\_\_\_. 2005 Iowa Acts, House File 859, section  
20 44 104, if enacted, is amended by striking the section  
20 45 and inserting in lieu thereof the following:  
20 46 SEC. 104. Section 15.385, subsection 4, paragraph  
20 47 a, Code 2005, is amended to read as follows:  
20 48 a. An eligible business may claim a tax credit  
20 49 equal to a percentage of the new investment directly  
20 50 related to new jobs created by the location or  
21 1 expansion of an eligible business under the program.  
21 2 The tax credit shall be allowed against taxes imposed  
21 3 under chapter 422, division II, III, or V. If the  
21 4 business is a partnership, S corporation, limited  
21 5 liability company, cooperative organized under chapter  
21 6 501 or 501A and filing as a partnership for federal  
21 7 tax purposes, or estate or trust electing to have the  
21 8 income taxed directly to the individual, an individual  
21 9 may claim the tax credit allowed. The amount claimed  
21 10 by the individual shall be based upon the pro rata  
21 11 share of the individual's earnings of the partnership,  
21 12 S corporation, limited liability company, cooperative  
21 13 organized under chapter 501 or 501A and filing as a  
21 14 partnership for federal tax purposes, or estate or  
21 15 trust. The percentage shall be equal to the amount  
21 16 provided in paragraph "d". Any tax credit in excess  
21 17 of the tax liability for the tax year may be credited  
21 18 to the tax liability for the following seven years or  
21 19 until depleted, whichever occurs first.  
21 20 Subject to prior approval by the department of  
21 21 economic development, in consultation with the  
21 22 department of revenue, an eligible business whose  
21 23 project primarily involves the production of value=  
21 24 added agricultural products or uses  
21 25 biotechnology-related processes may elect to receive a  
21 26 refund of all or a portion of an unused tax credit.  
21 27 For purposes of this subsection, such an eligible  
21 28 business includes a cooperative described in section  
21 29 521 of the Internal Revenue Code which is not required  
21 30 to file an Iowa corporate income tax return, and whose  
21 31 project primarily involves the production of ethanol.  
21 32 The refund may be applied against a tax liability  
21 33 imposed under chapter 422, division II, III, or V. If  
21 34 the business is a partnership, S corporation, limited  
21 35 liability company, cooperative organized under chapter  
21 36 501 or 501A and filing as a partnership for federal  
21 37 tax purposes, or estate or trust electing to have the  
21 38 income taxed directly to the individual, an individual  
21 39 may claim the tax credit allowed. The amount claimed  
21 40 by the individual shall be based upon the pro rata  
21 41 share of the individual's earnings of the partnership,  
21 42 S corporation, limited liability company, cooperative  
21 43 organized under chapter 501 or 501A and filing as a  
21 44 partnership for federal tax purposes, or estate or  
21 45 trust.>  
21 46 #strike>\_\_\_\_. Page 48, by inserting after line 23 the



21 47 following:  
21 48 <Sec. \_\_\_\_\_. Section 805.8C, subsection 6, as  
21 49 amended by 2005 Iowa Acts, Senate File 169, section 9,  
21 50 is amended to read as follows:  
22 1 6. PSEUDOEPHEDRINE SALES VIOLATIONS. For  
22 2 violations of section 126.23A, subsection 1, by an  
22 3 employee of a retailer, or for violations of section  
22 4 126.23A, subsection 2, paragraph "a", by a purchaser,  
22 5 the scheduled fine is as follows:  
22 6 a. If the violation is a first offense, the  
22 7 scheduled fine is one hundred dollars.  
22 8 b. If the violation is a second offense, the  
22 9 scheduled fine is two hundred fifty dollars.  
22 10 c. If the violation is a third or subsequent  
22 11 offense, the scheduled fine is five hundred dollars.>  
22 12 ~~#strike>\_\_\_\_\_~~. Page 48, by inserting after line 23, the  
22 13 following:  
22 14 <Sec. \_\_\_\_\_. 2005 Iowa Acts, House File 739, section  
22 15 7, if enacted, is amended to read as follows:  
22 16 SEC. 7. CONTINGENT EFFECTIVENESS. The sections of  
22 17 this Act ~~creating amending Code chapter 280A or~~  
22 18 ~~enacting new sections in Code chapter 280A take effect~~  
22 19 ~~only if the general assembly appropriates funds for~~  
22 20 ~~the fiscal year beginning July 1, 2005, in an amount~~  
22 21 ~~sufficient to implement the provisions of Code chapter~~  
22 22 ~~280A, if enacted.~~  
22 23 Sec. \_\_\_\_\_. 2005 Iowa Acts, House File 839, is  
22 24 amended by adding the following new section:  
22 25 SEC. \_\_\_\_\_. EFFECTIVE DATE. This Act, being deemed  
22 26 of immediate importance, takes effect upon enactment  
22 27 of 2005 Iowa Acts, House File 882.>  
22 28 ~~#strike>\_\_\_\_\_~~. Page 48, by inserting after line 26 the  
22 29 following:  
22 30 <DIVISION \_\_\_\_\_  
22 31 STATE LIQUOR ACTIVITIES  
22 32 Sec. \_\_\_\_\_. Section 123.53, subsection 3, Code 2005,  
22 33 is amended to read as follows:  
22 34 3. The treasurer of state shall transfer into a  
22 35 special revenue account in the general fund of the  
22 36 state, a sum of money at least equal to seven percent  
22 37 of the gross amount of sales made by the division from  
22 38 the beer and liquor control fund on a monthly basis  
22 39 but not less than nine million dollars annually, ~~and~~  
22 40 ~~any amounts so. Of the amounts transferred, two~~  
22 41 ~~million dollars, plus an additional amount determined~~  
22 42 ~~by the general assembly, shall be used by appropriated~~  
22 43 ~~to the substance abuse division of the Iowa department~~  
22 44 ~~of public health to be used for substance abuse~~  
22 45 ~~treatment and prevention programs in an amount~~  
22 46 ~~determined by the general assembly and any. Any~~  
22 47 amounts received in excess of the amounts appropriated  
22 48 to the substance abuse division of the Iowa department  
22 49 of public health shall be considered part of the  
22 50 general fund balance.  
23 1 Sec. \_\_\_\_\_. ALCOHOLIC BEVERAGES DIVISION == STATE  
23 2 LIQUOR WAREHOUSE AND TRUCKING FUNCTIONS. The  
23 3 department of administrative services shall issue a  
23 4 request for proposals developed with the alcoholic  
23 5 beverages division of the department of commerce or  
23 6 otherwise utilize a competitive process not  
23 7 inconsistent with the division's current charter  
23 8 agency agreement to select a provider to perform the  
23 9 state liquor warehouse and trucking functions. The  
23 10 request for proposals or competitive process shall be  
23 11 issued or commenced as soon as is reasonably possible  
23 12 and a provider shall be selected no later than  
23 13 December 31, 2005. The division may submit a bid in  
23 14 response to a request for proposals issued or  
23 15 competitive process conducted pursuant to this  
23 16 section. If the division submits a bid, the division  
23 17 shall include in the bid the cost of labor to perform  
23 18 the contract which shall be calculated by using the  
23 19 cost of hiring full-time equivalent positions to  
23 20 perform the contract pursuant to state pay grade  
23 21 classifications and benefits as outlined in the most  
23 22 recent collective bargaining agreement applicable to  
23 23 other employees of the division. Notwithstanding any  
23 24 provision of chapter 22 to the contrary, the  
23 25 division's bid and any documents the division uses in  
23 26 developing its bid shall be considered a confidential  
23 27 record until the department of administrative services

23 28 announces the results of the request for proposals or  
23 29 competitive process.

23 30 Sec. \_\_\_\_\_. EFFECTIVE DATE. The section of this  
23 31 division of this Act amending section 123.53 takes  
23 32 effect July 1, 2006.

23 33 DIVISION \_\_\_\_  
23 34 BOARD OF REGENTS

23 35 Sec. \_\_\_\_\_. Section 12B.10C, Code 2005, is amended  
23 36 by adding the following new subsection:

23 37 NEW SUBSECTION. 10. The state board of regents  
23 38 governed by chapter 262.

23 39 Sec. \_\_\_\_\_. Section 73A.1, subsection 2, Code 2005,  
23 40 is amended to read as follows:

23 41 2. "Municipality" as used in this chapter means  
23 42 township, school corporation, and state fair board  
~~23 43 and state board of regents.~~

23 44 Sec. \_\_\_\_\_. Section 262.9, subsection 7, Code 2005,  
23 45 is amended to read as follows:

~~23 46 7. With the approval of the executive council,~~  
~~23 47 acquire~~ Acquire real estate for the proper uses of  
23 48 ~~said~~ institutions under its control, and dispose of  
23 49 real estate belonging to ~~said the~~ institutions when  
23 50 not necessary for their purposes. ~~A~~ The disposal of  
24 1 ~~such~~ real estate shall be made upon such terms,  
24 2 conditions, and consideration as the board may  
24 3 recommend ~~and subject to the approval of the executive~~  
~~24 4 council.~~ If real estate subject to sale ~~hereunder~~ has  
24 5 been purchased or acquired from appropriated funds,  
24 6 the proceeds of such sale shall be deposited with the  
24 7 treasurer of state and credited to the general fund of  
24 8 the state. There is hereby appropriated from the  
24 9 general fund of the state a sum equal to the proceeds  
24 10 so deposited and credited to the general fund of the  
24 11 state to the state board of regents, ~~which, with the~~  
~~24 12 prior approval of the executive council,~~ may be used  
24 13 to purchase other real estate and buildings, and for  
24 14 the construction and alteration of buildings and other  
24 15 capital improvements. All transfers shall be by state  
24 16 patent in the manner provided by law. The board is  
~~24 17 also authorized to grant easements for rights-of-way~~  
~~24 18 over, across, and under the surface of public lands~~  
~~24 19 under its jurisdiction when in the board's judgment~~  
~~24 20 such easements are desirable and will benefit the~~  
~~24 21 state of Iowa.~~

24 22 Sec. \_\_\_\_\_. Section 262.9, subsection 15, unnumbered  
24 23 paragraph 2, Code 2005, is amended by striking the  
24 24 unnumbered paragraph.

24 25 Sec. \_\_\_\_\_. Section 262.10, unnumbered paragraph 1,  
24 26 Code 2005, is amended to read as follows:

24 27 No sale or purchase of real estate shall be made  
24 28 save upon the order of the board, made at a regular  
24 29 meeting, or one called for that purpose, and then in  
24 30 such manner and under such terms as the board may  
24 31 prescribe ~~and only with the approval of the executive~~  
~~24 32 council.~~ No member of the board or any of its  
24 33 committees, offices or agencies nor any officer of any  
24 34 institution, shall be directly or indirectly  
24 35 interested in such purchase or sale.

24 36 Sec. \_\_\_\_\_. Section 262.33A, Code 2005, is amended  
24 37 to read as follows:

24 38 262.33A FIRE AND ENVIRONMENTAL SAFETY == REPORT ==  
24 39 EXPENDITURES.

24 40 It is the intent of the general assembly that each  
24 41 institution of higher education under the control of  
24 42 the state board of regents shall, in consultation with  
24 43 the state fire marshal, identify and correct all  
24 44 critical fire and environmental safety deficiencies.  
~~24 45 The state fire marshal shall report annually to the~~  
~~24 46 joint subcommittee on education appropriations. The~~  
~~24 47 report shall include, but is not limited to, the~~  
~~24 48 identified deficiencies in fire and environmental~~  
~~24 49 safety at the institutions, and plans for correction~~  
~~24 50 of the deficiencies and for compliance with this~~

~~25 1 section.~~ Commencing July 1, 1993, each institution  
25 2 under the control of the state board of regents shall  
25 3 expend annually for fire safety and deferred  
25 4 maintenance at least the amount budgeted for these  
25 5 purposes for the fiscal year beginning July 1, 1992,  
25 6 in addition to any moneys appropriated from the  
25 7 general fund for these purposes in succeeding years.

25 8 Sec. \_\_\_\_\_. Section 262.34, Code 2005, is amended to

25 9 read as follows:  
25 10 262.34 IMPROVEMENTS == ADVERTISEMENT FOR BIDS ==  
25 11 DISCLOSURES == PAYMENTS.  
25 12 1. When the estimated cost of construction,  
25 13 repairs, or improvement of buildings or grounds under  
25 14 charge of the state board of regents exceeds ~~twenty=~~  
25 15 ~~five one hundred~~ thousand dollars, the board shall  
25 16 advertise for bids for the contemplated improvement or  
25 17 construction and shall let the work to the lowest  
25 18 responsible bidder. However, if in the judgment of  
25 19 the board bids received are not acceptable, the board  
25 20 may reject all bids and proceed with the construction,  
25 21 repair, or improvement by a method as the board may  
25 22 determine. All plans and specifications for repairs  
25 23 or construction, together with bids on the plans or  
25 24 specifications, shall be filed by the board and be  
25 25 open for public inspection. All bids submitted under  
25 26 this section shall be accompanied by a deposit of  
25 27 money, a certified check, or a credit union certified  
25 28 share draft in an amount as the board may prescribe.  
25 29 2. A bidder awarded a contract shall disclose the  
25 30 names of all subcontractors, who will work on the  
25 31 project being bid, within forty=eight hours after the  
25 32 award of the contract. If a subcontractor named by a  
25 33 bidder awarded a contract is replaced, or if the cost  
25 34 of work to be done by a subcontractor is reduced, the  
25 35 bidder shall disclose the name of the new  
25 36 subcontractor or the amount of the reduced cost.  
25 37 3. Payments made by the board for the construction  
25 38 of public improvements shall be made in accordance  
25 39 with the provisions of chapter 573 except that:  
25 40 a. Payments may be made without retention until  
25 41 ninety=five percent of the contract amount has been  
25 42 paid. The remaining five percent of the contract  
25 43 amount shall be paid as provided in section 573.14,  
25 44 except that:  
25 45 (1) At any time after all or any part of the work  
25 46 is substantially completed in accordance with  
25 47 paragraph "c", the contractor may request the release  
25 48 of all or part of the retainage owed. Such request  
25 49 shall be accompanied by a waiver of claim rights under  
25 50 the provisions of chapter 573 from any person, firm,  
26 1 or corporation who has, under contract with the  
26 2 principal contractor or with subcontractors performed  
26 3 labor, or furnished materials, service, or  
26 4 transportation in the construction of that portion of  
26 5 the work for which release of the retainage is  
26 6 requested.  
26 7 (2) Upon receipt of the request, the board shall  
26 8 release all or part of the unpaid funds. Retainage  
26 9 that is approved as payable shall be paid at the time  
26 10 of the next monthly payment or within thirty days,  
26 11 whichever is sooner. If partial retainage is released  
26 12 pursuant to a contractor's request, no retainage shall  
26 13 be subsequently held based on that portion of the  
26 14 work. If within thirty days of when payment becomes  
26 15 due the board does not release the retainage due,  
26 16 interest shall accrue on the retainage amount due as  
26 17 provided in section 573.14 until that amount is paid.  
26 18 (3) If at the time of the request for the  
26 19 retainage there are remaining or incomplete minor  
26 20 items, an amount equal to two hundred percent of the  
26 21 value of each remaining or incomplete item, as  
26 22 determined by the board's authorized contract  
26 23 representative, may be withheld until such item or  
26 24 items are completed.  
26 25 (4) An itemization of the remaining or incomplete  
26 26 items, or the reason that the request for release of  
26 27 the retainage was denied, shall be provided to the  
26 28 contractor in writing within thirty calendar days of  
26 29 the receipt of the request for release of retainage.  
26 30 b. For purposes of this section, "authorized  
26 31 contract representative" means the architect or  
26 32 engineer who is in charge of the project and chosen by  
26 33 the board to represent its interests, or if there is  
26 34 no architect or engineer, then such other contract  
26 35 representative or officer as designated in the  
26 36 contract documents as the party representing the  
26 37 board's interest regarding administration and  
26 38 oversight of the project.  
26 39 c. For purposes of this section, "substantially

26 40 completed" means the first date on which any of the  
26 41 following occurs:

26 42 (1) Completion of the project or when the work has  
26 43 been substantially completed in general accordance  
26 44 with the terms and provisions of the contract.

26 45 (2) The work or the portion designated is  
26 46 sufficiently complete in accordance with the  
26 47 requirements of the contract so the board can occupy  
26 48 or utilize the work for its intended purpose.

26 49 (3) The project is certified as having been  
26 50 substantially completed by either of the following:

27 1 (a) The architect or engineer authorized to make  
27 2 such certification.

27 3 (b) The contracting authority representing the  
27 4 board.

27 5 4. Each contractor or subcontractor shall withhold  
27 6 retainage, if at all, in the same manner as retainage  
27 7 is withheld from the contractor or subcontractor; and  
27 8 each subcontractor shall pass through all retainage  
27 9 payments to lower tier subcontractors in accordance  
27 10 with the provisions of chapter 573.

27 11 Sec. \_\_\_\_\_. Section 262.57, unnumbered paragraph 1,  
27 12 Code 2005, is amended to read as follows:

27 13 To pay all or any part of the cost of carrying out  
27 14 any project at any institution the board is authorized  
27 15 to borrow money and to issue and sell negotiable bonds  
27 16 or notes and to refund and refinance bonds or notes  
27 17 heretofore issued or as may be hereafter issued for  
27 18 any project or for refunding purposes at a lower rate,  
27 19 the same rate or a higher rate or rates of interest  
27 20 and from time to time as often as the board shall find  
27 21 it to be advisable and necessary so to do. Such bonds  
27 22 or notes may be sold by said board at public sale in  
27 23 the manner prescribed by chapter 75 but if the board  
27 24 shall find it to be advantageous and in the public  
27 25 interest to do so, such bonds or notes may be sold by  
27 26 the board at private sale without published notice of  
27 27 any kind and without regard to the requirements of  
27 28 chapter 75 in such manner and upon such terms as may  
27 29 be prescribed by the resolution authorizing the same,  
~~27 30 but such bonds or notes shall in any event be sold~~  
~~27 31 upon terms of not less than par plus accrued interest.~~

27 32 Bonds or notes issued to refund other bonds or notes  
27 33 heretofore or hereafter issued by the board for  
27 34 residence hall or dormitory purposes at any  
27 35 institution, including dining or other facilities and  
27 36 additions, or heretofore or hereafter issued for  
27 37 refunding purposes, may either be sold in the manner  
27 38 hereinbefore specified and the proceeds thereof  
27 39 applied to the payment of the obligations being  
27 40 refunded, or the refunding bonds or notes may be  
27 41 exchanged for and in payment and discharge of the  
27 42 obligations being refunded, and a finding by the board  
27 43 in the resolution authorizing the issuance of such  
27 44 refunding bonds or notes that the bonds or notes being  
27 45 refunded were issued for a purpose specified in this  
27 46 division and constitute binding obligations of the  
27 47 board shall be conclusive and may be relied upon by  
27 48 any holder of any refunding bond or note issued under  
27 49 the provisions of this division. The refunding bonds  
27 50 or notes may be sold or exchanged in installments at  
28 1 different times or an entire issue or series may be  
28 2 sold or exchanged at one time. Any issue or series of  
28 3 refunding bonds or notes may be exchanged in part or  
28 4 sold in parts in installments at different times or at  
28 5 one time. The refunding bonds or notes may be sold or  
28 6 exchanged at any time on, before, or after the  
28 7 maturity of any of the outstanding notes, bonds or  
28 8 other obligations to be refinanced thereby and may be  
28 9 issued for the purpose of refunding a like or greater  
28 10 principal amount of bonds or notes, except that the  
28 11 principal amount of the refunding bonds or notes may  
28 12 exceed the principal amount of the bonds or notes to  
28 13 be refunded to the extent necessary to pay any premium  
28 14 due on the call of the bonds or notes to be refunded  
28 15 or to fund interest in arrears or about to become due.

28 16 Sec. \_\_\_\_\_. Section 262.78, subsection 6, Code 2005,  
28 17 is amended by striking the subsection.

28 18 Sec. \_\_\_\_\_. Section 262A.5, unnumbered paragraph 1,  
28 19 Code 2005, is amended to read as follows:

28 20 The board is authorized to borrow money under this

chapter, and the board may issue and sell negotiable bonds to pay all or any part of the cost of carrying out any project at any institution and may refund and refinance bonds issued for any project or for refunding purposes at the same rate or at a higher or lower rate or rates of interest. Bonds issued under the provisions of this chapter shall be sold by said board at public sale on the basis of sealed proposals received pursuant to a notice specifying the time and place of sale and the amount of bonds to be sold which shall be published at least once not less than seven days prior to the date of sale in a newspaper published in the state of Iowa and having a general circulation in said state. The provisions of chapter 75 shall ~~not~~ apply to bonds issued under authority contained in this chapter, ~~but such bonds shall be sold upon terms of not less than par plus accrued interest to the extent not in conflict with this chapter.~~ Bonds issued to refund other bonds issued under the provisions of this chapter may either be sold in the manner hereinbefore specified and the proceeds thereof applied to the payment of the obligations being refunded, or the refunding bonds may be exchanged for and in payment and discharge of the obligations being refunded. The refunding bonds may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds may be exchanged in part or sold in parts in installments at different times or at one time. The refunding bonds may be sold or exchanged at any time on, before, or after the maturity of any of the outstanding bonds or other obligations to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds, except that the principal amount of the refunding bonds may exceed the principal amount of the bonds to be refunded to the extent necessary to pay any premium due on the call of the bonds to be refunded or to fund interest in arrears or which is to become due.

Sec. \_\_\_\_\_. Section 266.39F, subsection 2, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The provisions of section 262.9, subsection 7, ~~and section 262.10,~~ shall not apply to the sale of any portion of land to be sold in accordance with this section or to the use of the proceeds from the sale of the land.

Sec. \_\_\_\_\_. Section 573.12, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Payments made under contracts for the construction of public improvements, unless provided otherwise by law, shall be made on the basis of monthly estimates of labor performed and material delivered, as determined by the project architect or engineer. The public corporation shall retain from each monthly payment not more than five percent of that amount which is determined to be due according to the estimate of the architect or engineer. ~~However, institutions governed pursuant to chapter 262 may, on contracts where a bond is required under section 573.2, make payments under this section without retention until ninety-five percent of the contract amount has been paid and the remaining five percent of the contract amount shall be paid as provided under section 573.14.~~

Sec. \_\_\_\_\_. Section 573.14, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The public corporation shall order payment of any amount due the contractor to be made in accordance with the terms of the contract. Except as provided in section 573.12 for progress payments, failure to make payment pursuant to this section, of any amount due the contractor, within forty days, unless a greater time period not to exceed fifty days is specified in the contract documents, after the work under the contract has been completed and if the work has been accepted and all required materials, certifications, and other documentations required to be submitted by the contractor and specified by the contract have been



30 2 furnished the awarding public corporation by the  
30 3 contractor, shall cause interest to accrue on the  
30 4 amount unpaid to the benefit of the unpaid party.  
30 5 Interest shall accrue during the period commencing the  
30 6 thirty-first day following the completion of work and  
30 7 satisfaction of the other requirements of this  
30 8 paragraph and ending on the date of payment. The rate  
30 9 of interest shall be determined by the period of time  
30 10 during which interest accrues, and shall be the same  
30 11 as the rate of interest that is in effect under  
30 12 section 12C.6, as of the day interest begins to  
30 13 accrue, for a deposit of public funds for a comparable  
30 14 period of time. However, for institutions governed  
30 15 pursuant to chapter 262, the rate of interest shall be  
30 16 determined by the period of time during which interest  
30 17 accrues, and shall be calculated as the prime rate  
30 18 plus one percent per year as of the day interest  
30 19 begins to accrue. This paragraph does not abridge any  
30 20 of the rights set forth in section 573.16. Except as  
30 21 provided in sections 573.12 and 573.16, interest shall  
30 22 not accrue on funds retained by the public corporation  
30 23 to satisfy the provisions of this section regarding  
30 24 claims on file. This chapter does not apply if the  
30 25 public corporation has entered into a contract with  
30 26 the federal government or accepted a federal grant  
30 27 which is governed by federal law or rules that are  
30 28 contrary to the provisions of this chapter. For  
30 29 purposes of this unnumbered paragraph, "prime rate"  
30 30 means the prime rate charged by banks on short-term  
30 31 business loans, as determined by the board of  
30 32 governors of the federal reserve system and published  
30 33 in the federal reserve bulletin.  
30 34 Sec. \_\_\_\_\_. Sections 262.64A, 262.67, 262A.3,  
30 35 262A.6A, 263A.11, 265.6, and 473.12, Code 2005, are  
30 36 repealed.

30 37 DIVISION \_\_\_\_

30 38 ENTREPRENEURS WITH DISABILITIES

30 39 Sec. \_\_\_\_\_. ENTREPRENEURS WITH DISABILITIES PROGRAM  
30 40 == TRANSFER OF ADMINISTRATION. The department of  
30 41 economic development shall transfer the administrative  
30 42 duties of the entrepreneurs with disabilities program  
30 43 to the Iowa finance authority. The authority shall  
30 44 adopt rules pursuant to chapter 17A for purposes of  
30 45 administering the program. Any contract entered into  
30 46 under the program by the department of economic  
30 47 development remains valid. The transfer of  
30 48 administrative duties to the authority shall not  
30 49 constitute grounds for rescission or modification of a  
30 50 contract under the program entered into with the  
31 1 department.

31 2 Sec. \_\_\_\_\_. ENTREPRENEURS WITH DISABILITIES PROGRAM  
31 3 == APPROPRIATION. For the fiscal year beginning July  
31 4 1, 2005, and ending June 30, 2006, there is  
31 5 appropriated from the general fund of the state to the  
31 6 Iowa finance authority two hundred thousand dollars  
31 7 for purposes of the entrepreneurs with disabilities  
31 8 program.>  
31 9 ~~#strike>~~ \_\_\_\_\_. Page 48, by inserting after line 26, the  
31 10 following:

31 11 <DIVISION \_\_\_\_

31 12 WIND ENERGY PRODUCTION TAX CREDIT

31 13 Sec. \_\_\_\_\_. Section 476B.1, subsection 4, paragraph  
31 14 c, Code 2005, is amended to read as follows:  
31 15 c. Was originally placed in service on or after  
31 16 July 1, ~~2004~~ 2005, but before July 1, ~~2007~~ 2008.  
31 17 Sec. \_\_\_\_\_. Section 476B.3, Code 2005, is amended to  
31 18 read as follows:  
31 19 476B.3 CREDIT AMOUNT.  
31 20 ~~1. Except as limited by subsection 2, the~~ The wind  
31 21 energy production tax credit allowed under this  
31 22 chapter equals the product of one cent multiplied by  
31 23 the number of kilowatt-hours of qualified electricity  
31 24 sold by the owner during the taxable year.  
31 25 ~~2. a. The maximum amount of tax credit which a~~  
31 26 ~~group of qualified facilities operating as one unit~~  
31 27 ~~may receive for a taxable year equals the rate of~~  
31 28 ~~credit times thirty-two percent of the total number of~~  
31 29 ~~kilowatts of nameplate generating capacity.~~  
31 30 ~~b. However, if for the previous taxable year the~~  
31 31 ~~amount of the tax credit for the group of qualified~~  
31 32 ~~facilities operating as one unit is less than the~~

~~31 33 maximum amount available as provided in paragraph "a",~~  
~~31 34 the maximum amount for the next taxable year shall be~~  
~~31 35 increased by the amount of the previous year's unused~~  
~~31 36 maximum credit.~~  
31 37 Sec. \_\_\_\_\_. Section 476B.4, subsection 1, paragraph  
31 38 b, Code 2005, is amended by striking the paragraph.  
31 39 Sec. \_\_\_\_\_. Section 476B.5, Code 2005, is amended by  
31 40 striking the section and inserting in lieu thereof the  
31 41 following:  
31 42 476B.5 DETERMINATION OF ELIGIBILITY.  
31 43 1. An owner may apply to the board for a written  
31 44 determination regarding whether a facility is a  
31 45 qualified facility by submitting to the board a  
31 46 written application containing all of the following:  
31 47 a. Information regarding the ownership of the  
31 48 facility including the percentage of equity interest  
31 49 held by each owner.  
31 50 b. The nameplate generating capacity of the  
32 1 facility.  
32 2 c. Information regarding the facility's initial  
32 3 placement in service.  
32 4 d. Information regarding the type of facility.  
32 5 e. A copy of an executed power purchase agreement  
32 6 or other agreement to purchase electricity upon  
32 7 completion of the project.  
32 8 f. Any other information the board may require.  
32 9 2. The board shall review the application and  
32 10 supporting information and shall make a preliminary  
32 11 determination regarding whether the facility is a  
32 12 qualified facility. The board shall notify the  
32 13 applicant of the approval or denial of the application  
32 14 within thirty days of receipt of the application and  
32 15 information required. If the board fails to notify  
32 16 the applicant of the approval or denial within thirty  
32 17 days, the application shall be deemed denied. An  
32 18 applicant who receives a determination denying an  
32 19 application may file an appeal with the board within  
32 20 thirty days from the date of the denial pursuant to  
32 21 the provisions of chapter 17A. In the absence of a  
32 22 timely appeal, the preliminary determination shall be  
32 23 final. If the application is incomplete, the board  
32 24 may grant an extension of time for the provision of  
32 25 additional information.  
32 26 3. A facility that is not operational within  
32 27 eighteen months after issuance of an approval for the  
32 28 facility by the board shall cease to be a qualified  
32 29 facility. A facility that is granted and thereafter  
32 30 loses approval may reapply to the board for a new  
32 31 determination.  
32 32 4. The maximum amount of nameplate generating  
32 33 capacity of all qualified facilities the board may  
32 34 find eligible under this chapter shall not exceed four  
32 35 hundred fifty megawatts of nameplate generating  
32 36 capacity.  
32 37 5. An owner shall not be an owner of more than two  
32 38 qualified facilities.  
32 39 Sec. \_\_\_\_\_. Section 476B.6, Code 2005, is amended by  
32 40 striking the section and inserting in lieu thereof the  
32 41 following:  
32 42 476B.6 TAX CREDIT CERTIFICATE PROCEDURE.  
32 43 1. a. To be eligible to receive the wind energy  
32 44 production tax credit, the owner must first receive  
32 45 approval of the board of supervisors of the county in  
32 46 which the qualified facility is located. The  
32 47 application for approval may be submitted prior to  
32 48 commencement of the construction of the qualified  
32 49 facility but shall be submitted no later than the  
32 50 close of the owner's first taxable year for which the  
33 1 credit is to be applied for. The application must  
33 2 contain the owner's name and address, the address of  
33 3 the qualified facility, and the dates of the owner's  
33 4 first and last taxable years for which the credit will  
33 5 be applied for. Within forty-five days of the receipt  
33 6 of the application for approval, the board of  
33 7 supervisors shall either approve or disapprove the  
33 8 application. After the forty-five-day limit, the  
33 9 application is deemed to be approved.  
33 10 b. Upon approval of the application, the owner may  
33 11 apply for the tax credit as provided in subsection 2.  
33 12 In addition, approval of the application is acceptance  
33 13 by the applicant for the assessment of the qualified

33 14 facility for property tax purposes for a period of  
33 15 twelve years and approval by the board of supervisors  
33 16 for the payment of the property taxes levied on the  
33 17 qualified property to the state. For purposes of  
33 18 property taxation, the qualified facility shall be  
33 19 centrally assessed and shall be exempt from any  
33 20 replacement tax under section 437A.6 for the period  
33 21 during which the facility is subject to property  
33 22 taxation. The property taxes to be paid to the state  
33 23 are those property taxes which make up the  
33 24 consolidated tax levied on the qualified facility and  
33 25 which are due and payable in the twelve-year period  
33 26 beginning with the first fiscal year beginning on or  
33 27 after the end of the owner's first taxable year for  
33 28 which the credit is applied for. Upon approval of the  
33 29 application, the board of supervisors shall notify the  
33 30 county treasurer to state on the tax statement which  
33 31 lists the taxes on the qualified facility that the  
33 32 amount of the property taxes shall be paid to the  
33 33 department. Payment of the designated property taxes  
33 34 to the department shall be in the same manner as  
33 35 required for the payment of regular property taxes and  
33 36 failure to pay designated property taxes to the  
33 37 department shall be treated the same as failure to pay  
33 38 property taxes to the county treasurer.

33 39 c. Once the owner of the qualified facility  
33 40 receives approval under paragraph "a", subsequent  
33 41 approval under paragraph "a" is not required for the  
33 42 same qualified facility for subsequent taxable years.

33 43 2. An owner of a qualified facility may apply to  
33 44 the board for the wind energy production tax credit by  
33 45 submitting to the board all of the following:

33 46 a. A completed application in a form prescribed by  
33 47 the board.

33 48 b. A copy of the determination granting approval  
33 49 of the facility as a qualified facility by the board.

33 50 c. A copy of a signed power purchase agreement or  
34 1 other agreement to purchase electricity.

34 2 d. Sufficient documentation that the electricity  
34 3 has been generated by the qualified facility and sold  
34 4 to a purchaser.

34 5 e. Any other information the board deems  
34 6 necessary.

34 7 3. The board shall notify the department of the  
34 8 amount of kilowatt-hours generated and purchased from  
34 9 a qualified facility. The department shall calculate  
34 10 the amount of the tax credit for which the applicant  
34 11 is eligible and shall issue the tax credit certificate  
34 12 for that amount or notify the applicant in writing of  
34 13 its refusal to do so. An applicant whose application  
34 14 is denied may file an appeal with the department  
34 15 within sixty days from the date of the denial pursuant  
34 16 to the provisions of chapter 17A.

34 17 4. Each tax credit certificate shall contain the  
34 18 owner's name, address, and tax identification number,  
34 19 the amount of tax credits, the first taxable year the  
34 20 certificate may be used, the type of tax to which the  
34 21 tax credits shall be applied, and any other  
34 22 information required by the department. The tax  
34 23 credit certificate shall only list one type of tax to  
34 24 which the amount of the tax credit may be applied.  
34 25 Once issued by the department, the tax credit  
34 26 certificate shall not be terminated or rescinded.

34 27 5. If the tax credit application is filed by a  
34 28 partnership, limited liability company, S corporation,  
34 29 estate, trust, or other reporting entity all of the  
34 30 income of which is taxed directly to its equity  
34 31 holders or beneficiaries, for the taxes imposed under  
34 32 chapter 422, division II or III, the tax credit  
34 33 certificate shall be issued directly to equity holders  
34 34 or beneficiaries of the applicant in proportion to  
34 35 their pro rata share of the income of such entity.  
34 36 The applicant shall, in the application made under  
34 37 this section, identify its equity holders or  
34 38 beneficiaries, and the percentage of such entity's  
34 39 income that is allocable to each equity holder or  
34 40 beneficiary. If the tax credit application is filed  
34 41 by a partnership, limited liability company, S  
34 42 corporation, estate, trust, or other reporting entity,  
34 43 all of whose income is taxed directly to its equity  
34 44 holders or beneficiaries for the taxes imposed under

chapter 422, division V, or under chapter 432, the tax credit certificate shall be issued directly to the partnership, limited liability company, S corporation, estate, trust, or other reporting entity.

6. The department shall not issue a tax credit certificate if the facility approved by the board as a qualified facility is not operational within eighteen months after the approval is issued.

7. Once a tax credit certificate is issued pursuant to this section, the tax credit may only be claimed against the type of tax reflected on the certificate.

8. A tax credit certificate shall not be used or attached to a return filed for a taxable year beginning prior to July 1, 2006.

Sec. \_\_\_\_\_. Section 476B.7, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Wind energy production tax credit certificates issued under this chapter may be transferred to any person or entity. Within thirty days of transfer, the transferee must submit the transferred tax credit certificate to the ~~board~~ department along with a statement containing the transferee's name, tax identification number, and address, and the denomination that each replacement tax credit certificate is to carry and any other information required by the department. Within thirty days of receiving the transferred tax credit certificate and the transferee's statement, the ~~board~~ department shall issue one or more replacement tax credit certificates to the transferee. Each replacement certificate must contain the information required under section 476B.6 and must have the same effective taxable year and the same expiration date that appeared in the transferred tax credit certificate. Tax credit certificate amounts of less than the minimum amount established by rule of the board shall not be transferable. A tax credit shall not be claimed by a transferee under this chapter until a replacement tax credit certificate identifying the transferee as the proper holder has been issued.

Sec. \_\_\_\_\_. Section 476B.8, Code 2005, is amended to read as follows:

476B.8 USE OF TAX CREDIT CERTIFICATES.

To claim a wind energy production tax credit under this chapter, a taxpayer must attach one or more tax credit certificates to the taxpayer's tax return. A tax credit certificate shall not be used or attached to a return filed for a taxable year beginning prior to July 1, ~~2005~~ 2006. The tax credit certificate or certificates attached to the taxpayer's tax return shall be issued in the taxpayer's name, expire on or after the last day of the taxable year for which the taxpayer is claiming the tax credit, and show a tax credit amount equal to or greater than the tax credit claimed on the taxpayer's tax return. Any tax credit in excess of the taxpayer's tax liability for the taxable year may be credited to the taxpayer's tax liability for the following seven taxable years or until depleted, whichever is the earlier.

Sec. \_\_\_\_\_. Section 476B.9, Code 2005, is amended to read as follows:

476B.9 REGISTRATION OF TAX CREDIT CERTIFICATES.

The ~~board shall, in conjunction with the~~ department, shall develop a system for the registration of the wind energy production tax credit certificates issued or transferred under this chapter and a system that permits verification that any tax credit claimed on a tax return is valid and that transfers of the tax credit certificates are made in accordance with the requirements of this chapter. The tax credit certificates issued under this chapter shall not be classified as a security pursuant to chapter 502.

Sec. \_\_\_\_\_. NEW SECTION. 476B.10 RULES.

The department and the board may adopt rules pursuant to chapter 17A for the administration and enforcement of this chapter.>

~~#strike>~~\_\_\_\_\_. Page 48, by inserting after line 26, the following:

<DIVISION \_\_\_\_

PROVISIONS RELATING TO THE PRACTICE OF PHARMACY

Sec. \_\_\_\_\_. Section 155A.3, subsection 11, Code 2005, is amended to read as follows:

11. "Dispense" means to deliver a prescription drug, device, or controlled substance to an ultimate user or research subject by or pursuant to the lawful prescription drug order or medication order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

Sec. \_\_\_\_\_. Section 155A.3, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 22A. "Logistics provider" means an entity that provides or coordinates warehousing, distribution, or other services on behalf of a manufacturer or other owner of a drug, but does not take title to the drug or have general responsibility to direct its sale or other disposition.

Sec. \_\_\_\_\_. Section 155A.3, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 23A. "Pedigree" means a recording of each distribution of any given drug or device, from the sale by the manufacturer through acquisition and sale by any wholesaler, pursuant to rules adopted by the board.

Sec. \_\_\_\_\_. Section 155A.3, subsection 33, paragraph b, Code 2005, is amended to read as follows:

b. A drug or device that under federal law is required, prior to being dispensed or delivered, to be labeled with ~~either one~~ of the following statements:

(1) Caution: Federal law prohibits dispensing without a prescription.

(2) Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(3) Caution: Federal law restricts this device to sale by, or on the order of, a physician.

(4) Rx only.

Sec. \_\_\_\_\_. Section 155A.3, subsection 35, Code 2005, is amended to read as follows:

35. "Proprietary medicine" ~~or "over-the-counter medicine"~~ means a nonnarcotic drug or device that may be sold without a prescription and that is labeled and packaged in compliance with applicable state or federal law.

Sec. \_\_\_\_\_. Section 155A.3, subsection 38, Code 2005, is amended to read as follows:

38. "Wholesaler" means a person operating or maintaining, either within or outside this state, a manufacturing plant, wholesale distribution center, wholesale business, or any other business in which prescription drugs or devices, medicinal chemicals, medicines, or poisons are sold, manufactured, compounded, dispensed, stocked, exposed, distributed from, or offered for sale at wholesale in this state.

"Wholesaler" does not include those wholesalers who sell only proprietary ~~or over-the-counter~~ medicines.

"Wholesaler" also does not include a commercial carrier that temporarily stores prescription drugs or devices, medicinal chemicals, medicines, or poisons while in transit.

Sec. \_\_\_\_\_. Section 155A.4, subsection 2, paragraph a, Code 2005, is amended to read as follows:

a. A ~~manufacturer or~~ wholesaler to distribute prescription drugs or devices as provided by state or federal law.

Sec. \_\_\_\_\_. Section 155A.13, subsection 6, unnumbered paragraph 1, Code 2005, is amended to read as follows:

To qualify for a pharmacy license, the applicant shall submit to the board a license fee as determined by the board and a completed application on a form prescribed by the board ~~that shall include the following information and.~~ The application shall include the following and such other information as required by rules of the board and shall be given

under oath:

Sec. \_\_\_\_\_. Section 155A.17, subsection 2, Code 2005, is amended to read as follows:

2. The board shall establish standards for drug wholesaler licensure and may define specific types of wholesaler licenses. The board may deny, suspend, or



38 7 revoke a drug wholesale license for failure to meet  
38 8 the applicable standards or for a violation of the  
38 9 laws of this state, another state, or the United  
38 10 States relating to prescription drugs, devices, or  
38 11 controlled substances, or for a violation of this  
38 12 chapter, chapter 124, 124A, 124B, 126, or 205, or a  
38 13 rule of the board.

38 14 Sec. \_\_\_\_\_. Section 155A.17, subsection 3, Code  
38 15 2005, is amended to read as follows:

38 16 3. The board shall adopt rules pursuant to chapter  
38 17 17A on matters pertaining to the issuance of a  
38 18 wholesale drug license. The rules shall provide for  
38 19 conditions of licensure, compliance standards,  
38 20 licensure fees, disciplinary action, and other  
38 21 relevant matters. Additionally, the rules shall  
38 22 establish provisions or exceptions for pharmacies,  
38 23 chain pharmacy distribution centers, logistics  
38 24 providers, and other types of wholesalers relating to  
38 25 pedigree requirements, drug or device returns, and  
38 26 other related matters, so as not to prevent or  
38 27 interfere with usual, customary, and necessary  
38 28 business activities.

38 29 Sec. \_\_\_\_\_. Section 155A.19, subsection 1, paragraph  
38 30 f, Code 2005, is amended by striking the paragraph and  
38 31 inserting in lieu thereof the following:

38 32 f. Change of legal name or doing-business-as name.  
38 33 Sec. \_\_\_\_\_. Section 155A.19, Code 2005, is amended  
38 34 by adding the following new subsection:

38 35 NEW SUBSECTION. 3. A wholesaler shall report in  
38 36 writing to the board, pursuant to its rules, the  
38 37 following:

38 38 a. Permanent closing or discontinuation of  
38 39 wholesale distributions into this state.  
38 40 b. Change of ownership.  
38 41 c. Change of location.  
38 42 d. Change of the wholesaler's responsible  
38 43 individual.  
38 44 e. Change of legal name or doing-business-as name.  
38 45 f. Theft or significant loss of any controlled  
38 46 substance on discovery of the theft or loss.  
38 47 g. Disasters, accidents, and emergencies that may  
38 48 affect the strength, purity, or labeling of drugs,  
38 49 medications, devices, or other materials used in the  
38 50 diagnosis or the treatment of injury, illness, and  
39 1 disease.  
39 2 h. Other information or activities as required by  
39 3 rule.

39 4 Sec. \_\_\_\_\_. Section 155A.20, subsection 1, Code  
39 5 2005, is amended to read as follows:

39 6 1. A person, other than a pharmacy or wholesaler  
39 7 licensed under this chapter, shall not display in or  
39 8 on any store, internet site, or place of business, nor  
39 9 use in any advertising or promotional literature,  
39 10 communication, or representation, the word or words:  
39 11 "apothecary", "drug", "drug store", or "pharmacy",  
39 12 either in English or any other language, any other  
39 13 word or combination of words of the same or similar  
39 14 meaning, or any graphic representation in a manner  
39 15 that would mislead the public unless it is a pharmacy  
39 16 or drug wholesaler licensed under this chapter.

39 17 Sec. \_\_\_\_\_. Section 155A.21, Code 2005, is amended  
39 18 to read as follows:

39 19 155A.21 UNLAWFUL POSSESSION OF PRESCRIPTION DRUG  
39 20 OR DEVICE == PENALTY.

39 21 1. A person found in possession of a drug or  
39 22 device limited to dispensation by prescription, unless  
39 23 the drug or device was so lawfully dispensed, commits  
39 24 a serious misdemeanor.

39 25 2. Subsection 1 does not apply to a licensed  
39 26 pharmacy, licensed wholesaler, physician,  
39 27 veterinarian, dentist, podiatric physician,  
39 28 therapeutically certified optometrist, advanced  
39 29 registered nurse practitioner, physician assistant, a  
39 30 nurse acting under the direction of a physician, or  
39 31 the board of pharmacy examiners, its officers, agents,  
39 32 inspectors, and representatives, nor to a common  
39 33 carrier, manufacturer's representative, or messenger  
39 34 when transporting the drug or device in the same  
39 35 unbroken package in which the drug or device was  
39 36 delivered to that person for transportation.

39 37 Sec. \_\_\_\_\_. Section 155A.23, Code 2005, is amended

39 38 to read as follows:

39 39 155A.23 PROHIBITED ACTS.

39 40 A person shall not perform or cause the performance

39 41 of or aid and abet any of the following acts:

39 42 1. ~~Obtain or attempt~~ Obtaining or attempting to  
39 43 obtain a prescription drug or device or ~~procure or~~  
39 44 ~~attempt procuring or attempting to procure the~~

39 45 administration of a prescription drug or device by:

39 46 a. ~~Fraud~~ Engaging in fraud, deceit,  
39 47 misrepresentation, or subterfuge.

39 48 b. ~~Forgery or alteration of~~ Forging or altering a  
39 49 written, electronic, or facsimile prescription or of  
39 50 any written, electronic, or facsimile order.

40 1 c. ~~Concealment of~~ Concealing a material fact.

40 2 d. ~~Use of~~ Using a false name or ~~the~~ giving of a  
40 3 false address.

40 4 2. Willfully ~~make~~ making a false statement in any  
40 5 prescription, report, or record required by this  
40 6 chapter.

40 7 3. For the purpose of obtaining a prescription  
40 8 drug or device, falsely ~~assume~~ assuming the title of  
40 9 or ~~claim~~ claiming to be a manufacturer, wholesaler,  
40 10 pharmacist, pharmacy owner, physician, dentist,  
40 11 podiatric physician, veterinarian, or other authorized  
40 12 person.

40 13 4. ~~Make or utter~~ Making or uttering any false or  
40 14 forged oral, written, electronic, or facsimile  
40 15 prescription or oral, written, electronic, or  
40 16 facsimile order.

40 17 5. ~~Affix any false or forged label to a package or~~  
40 18 ~~receptacle containing prescription drugs~~ Forging,  
40 19 counterfeiting, simulating, or falsely representing  
40 20 any drug or device without the authority of the  
40 21 manufacturer, or using any mark, stamp, tag, label, or  
40 22 other identification device without the authorization  
40 23 of the manufacturer.

40 24 6. Manufacturing, repackaging, selling,  
40 25 delivering, or holding or offering for sale any drug  
40 26 or device that is adulterated, misbranded,  
40 27 counterfeit, suspected of being counterfeit, or that  
40 28 has otherwise been rendered unfit for distribution.

40 29 7. Adulterating, misbranding, or counterfeiting  
40 30 any drug or device.

40 31 8. Receiving any drug or device that is  
40 32 adulterated, misbranded, stolen, obtained by fraud or  
40 33 deceit, counterfeit, or suspected of being  
40 34 counterfeit, and delivering or proffering delivery of  
40 35 such drug or device for pay or otherwise.

40 36 9. Adulterating, mutilating, destroying,  
40 37 obliterating, or removing the whole or any part of the  
40 38 labeling of a drug or device or committing any other  
40 39 act with respect to a drug or device that results in  
40 40 the drug or device being misbranded.

40 41 10. Purchasing or receiving a drug or device from  
40 42 a person who is not licensed to distribute the drug or  
40 43 device to that purchaser or recipient.

40 44 11. Selling or transferring a drug or device to a  
40 45 person who is not authorized under the law of the  
40 46 jurisdiction in which the person receives the drug or  
40 47 device to purchase or possess the drug or device from  
40 48 the person selling or transferring the drug or device.

40 49 12. Failing to maintain or provide records as  
40 50 required by this chapter, chapter 124, or rules of the  
41 1 board.

41 2 13. Providing the board or any of its  
41 3 representatives or any state or federal official with  
41 4 false or fraudulent records or making false or  
41 5 fraudulent statements regarding any matter within the  
41 6 scope of this chapter, chapter 124, or rules of the  
41 7 board.

41 8 14. Distributing at wholesale any drug or device  
41 9 that meets any of the following conditions:

41 10 a. The drug or device was purchased by a public or  
41 11 private hospital or other health care entity.

41 12 b. The drug or device was donated or supplied at a  
41 13 reduced price to a charitable organization.

41 14 c. The drug or device was purchased from a person  
41 15 not licensed to distribute the drug or device.

41 16 d. The drug or device was stolen or obtained by  
41 17 fraud or deceit.

41 18 15. Failing to obtain a license or operating

41 19 without a valid license when a license is required  
41 20 pursuant to this chapter or chapter 147.  
41 21 16. Engaging in misrepresentation or fraud in the  
41 22 distribution of a drug or device.  
41 23 17. Distributing a drug or device to a patient  
41 24 without a prescription drug order or medication order  
41 25 from a practitioner licensed by law to use or  
41 26 prescribe the drug or device.  
41 27 18. Distributing a drug or device that was  
41 28 previously dispensed by a pharmacy or distributed by a  
41 29 practitioner except as provided by rules of the board.  
41 30 19. Failing to report any prohibited act.  
41 31 Information communicated to a physician in an  
41 32 unlawful effort to procure a prescription drug or  
41 33 device or to procure the administration of a  
41 34 prescription drug shall not be deemed a privileged  
41 35 communication.  
41 36 Subsections 6 and 7 shall not apply to the  
41 37 wholesale distribution by a manufacturer of a  
41 38 prescription drug or device that has been delivered  
41 39 into commerce pursuant to an application approved by  
41 40 the federal food and drug administration.  
41 41 Sec. \_\_\_\_ Section 155A.24, Code 2005, is amended  
41 42 to read as follows:  
41 43 155A.24 PENALTIES.  
41 44 1. ~~Except as otherwise provided in this section,~~  
41 45 a person who violates a provision of section 155A.23  
41 46 or who sells or offers for sale, gives away, or  
41 47 administers to another person any prescription drug or  
41 48 device in violation of this chapter commits a public  
41 49 offense and shall be punished as follows:  
41 50 a. If the prescription drug is a controlled  
42 1 substance, the person shall be punished pursuant to  
42 2 ~~section 124.401, subsection 1, and section 124.411~~  
42 3 ~~chapter 124, division IV.~~  
42 4 b. If the prescription drug is not a controlled  
42 5 substance, the person, upon conviction of a first  
42 6 offense, is guilty of a serious misdemeanor. For a  
42 7 second offense, or if in case of a first offense the  
42 8 offender previously has been convicted of any  
42 9 violation of the laws of the United States or of any  
42 10 state, territory, or district thereof relating to  
42 11 prescription drugs or devices, the offender is guilty  
42 12 of an aggravated misdemeanor. For a third or  
42 13 subsequent offense or if in the case of a second  
42 14 offense the offender previously has been convicted two  
42 15 or more times in the aggregate of any violation of the  
42 16 laws of the United States or of any state, territory,  
42 17 or district thereof relating to prescription drugs or  
42 18 devices, the offender is guilty of a class "D" felony.  
42 19 2. A person who violates any provision of this  
42 20 chapter by selling, giving away, or administering any  
42 21 prescription drug or device to a minor is guilty of a  
42 22 class "C" felony.  
42 23 3. A wholesaler who, with intent to defraud or  
42 24 deceive, fails to deliver to another person, when  
42 25 required by rules of the board, complete and accurate  
42 26 pedigree concerning a drug prior to transferring the  
42 27 drug to another person is guilty of a class "C"  
42 28 felony.  
42 29 4. A wholesaler who, with intent to defraud or  
42 30 deceive, fails to acquire, when required by rules of  
42 31 the board, complete and accurate pedigree concerning a  
42 32 drug prior to obtaining the drug from another person  
42 33 is guilty of a class "C" felony.  
42 34 5. A wholesaler who knowingly destroys, alters,  
42 35 conceals, or fails to maintain, as required by rules  
42 36 of the board, complete and accurate pedigree  
42 37 concerning any drug in the person's possession is  
42 38 guilty of a class "C" felony.  
42 39 6. A wholesaler who is in possession of pedigree  
42 40 documents required by rules of the board, and who  
42 41 knowingly fails to authenticate the matters contained  
42 42 in the documents as required, and who nevertheless  
42 43 distributes or attempts to further distribute drugs is  
42 44 guilty of a class "C" felony.  
42 45 7. A wholesaler who, with intent to defraud or  
42 46 deceive, falsely swears or certifies that the person  
42 47 has authenticated any documents related to the  
42 48 wholesale distribution of drugs or devices is guilty  
42 49 of a class "C" felony.

42 50 8. A wholesaler who knowingly forges,  
43 1 counterfeits, or falsely creates any pedigree, who  
43 2 falsely represents any factual matter contained in any  
43 3 pedigree, or who knowingly omits to record material  
43 4 information required to be recorded in a pedigree is  
43 5 guilty of a class "C" felony.  
43 6 9. A wholesaler who knowingly purchases or  
43 7 receives drugs or devices from a person not authorized  
43 8 to distribute drugs or devices in wholesale  
43 9 distribution is guilty of a class "C" felony.  
43 10 10. A wholesaler who knowingly sells, barter,  
43 11 brokers, or transfers a drug or device to a person not  
43 12 authorized to purchase the drug or device under the  
43 13 jurisdiction in which the person receives the drug or  
43 14 device in a wholesale distribution is guilty of a  
43 15 class "C" felony.  
43 16 11. A person who knowingly manufactures, sells,  
43 17 or delivers, or who possesses with intent to sell or  
43 18 deliver, a counterfeit, misbranded, or adulterated  
43 19 drug or device is guilty of the following:  
43 20 a. If the person manufactures or produces a  
43 21 counterfeit, misbranded, or adulterated drug or  
43 22 device; or if the quantity of a counterfeit,  
43 23 misbranded, or adulterated drug or device being sold,  
43 24 delivered, or possessed with intent to sell or deliver  
43 25 exceeds one thousand units or dosages; or if the  
43 26 violation is a third or subsequent violation of this  
43 27 subsection, the person is guilty of a class "C"  
43 28 felony.  
43 29 b. If the quantity of a counterfeit, misbranded,  
43 30 or adulterated drug or device being sold, delivered,  
43 31 or possessed with intent to sell or deliver exceeds  
43 32 one hundred units or dosages but does not exceed one  
43 33 thousand units or dosages; or if the violation is a  
43 34 second or subsequent violation of this subsection, the  
43 35 person is guilty of a class "D" felony.  
43 36 c. All other violations of this subsection shall  
43 37 constitute an aggravated misdemeanor.  
43 38 12. A person who knowingly forges, counterfeits,  
43 39 or falsely creates any label for a drug or device or  
43 40 who falsely represents any factual matter contained on  
43 41 any label of a drug or device is guilty of a class "C"  
43 42 felony.  
43 43 13. A person who knowingly possesses, purchases,  
43 44 or brings into the state a counterfeit, misbranded, or  
43 45 adulterated drug or device is guilty of the following:  
43 46 a. If the quantity of a counterfeit, misbranded,  
43 47 or adulterated drug or device being possessed,  
43 48 purchased, or brought into the state exceeds one  
43 49 hundred units or dosages; or if the violation is a  
43 50 second or subsequent violation of this subsection, the  
44 1 person is guilty of a class "D" felony.  
44 2 b. All other violations of this subsection shall  
44 3 constitute an aggravated misdemeanor.  
44 4 14. This section does not prevent a licensed  
44 5 practitioner of medicine, dentistry, podiatry,  
44 6 nursing, veterinary medicine, optometry, or pharmacy  
44 7 from acts necessary in the ethical and legal  
44 8 performance of the practitioner's profession.  
44 9 15. Subsections 1 and 2 shall not apply to a  
44 10 parent or legal guardian administering, in good faith,  
44 11 a prescription drug or device to a child of the parent  
44 12 or a child for whom the individual is designated a  
44 13 legal guardian.  
44 14 Sec. \_\_\_\_\_. NEW SECTION. 155A.40 CRIMINAL HISTORY  
44 15 RECORD CHECKS.  
44 16 1. The board may request and obtain,  
44 17 notwithstanding section 692.2, subsection 5, criminal  
44 18 history data for any applicant for an initial or  
44 19 renewal license or registration issued pursuant to  
44 20 this chapter or chapter 147, any applicant for  
44 21 reinstatement of a license or registration issued  
44 22 pursuant to this chapter or chapter 147, or any  
44 23 licensee or registrant who is being monitored as a  
44 24 result of a board order or agreement resolving an  
44 25 administrative disciplinary action, for the purpose of  
44 26 evaluating the applicant's, licensee's, or  
44 27 registrant's eligibility for licensure, registration,  
44 28 or suitability for continued practice of the  
44 29 profession. Criminal history data may be requested  
44 30 for all owners, managers, and principal employees of a

44 31 pharmacy or drug wholesaler licensed pursuant to this  
44 32 chapter. The board shall adopt rules pursuant to  
44 33 chapter 17A to implement this section. The board  
44 34 shall inform the applicant, licensee, or registrant of  
44 35 the criminal history requirement and obtain a signed  
44 36 waiver from the applicant, licensee, or registrant  
44 37 prior to submitting a criminal history data request.  
44 38 2. A request for criminal history data shall be  
44 39 submitted to the department of public safety, division  
44 40 of criminal investigation and bureau of  
44 41 identification, pursuant to section 692.2, subsection  
44 42 1. The board may also require such applicants,  
44 43 licensees, and registrants to provide a full set of  
44 44 fingerprints, in a form and manner prescribed by the  
44 45 board. Such fingerprints may be submitted to the  
44 46 federal bureau of investigation through the state  
44 47 criminal history repository for a national criminal  
44 48 history check. The board may authorize alternate  
44 49 methods or sources for obtaining criminal history  
44 50 record information. The board may, in addition to any  
45 1 other fees, charge and collect such amounts as may be  
45 2 incurred by the board, the department of public  
45 3 safety, or the federal bureau of investigation in  
45 4 obtaining criminal history information. Amounts  
45 5 collected shall be considered repayment receipts as  
45 6 defined in section 8.2.  
45 7 3. Criminal history information relating to an  
45 8 applicant, licensee, or registrant obtained by the  
45 9 board pursuant to this section is confidential. The  
45 10 board may, however, use such information in a license  
45 11 or registration denial proceeding. In a disciplinary  
45 12 proceeding, such information shall constitute  
45 13 investigative information under section 272C.6,  
45 14 subsection 4, and may be used only for purposes  
45 15 consistent with that section.  
45 16 4. This section shall not apply to a manufacturer  
45 17 of a prescription drug or device that has been  
45 18 delivered into commerce pursuant to an application  
45 19 approved by the federal food and drug administration.  
45 20 Sec. \_\_\_\_ NEW SECTION. 155A.41 CONTINUOUS  
45 21 QUALITY IMPROVEMENT PROGRAM.  
45 22 1. Each licensed pharmacy shall implement or  
45 23 participate in a continuous quality improvement  
45 24 program to review pharmacy procedures in order to  
45 25 identify methods for addressing pharmacy medication  
45 26 errors and for improving patient use of medications  
45 27 and patient care services. Under the program, each  
45 28 pharmacy shall assess its practices and identify areas  
45 29 for quality improvement.  
45 30 2. The board shall adopt rules for the  
45 31 administration of a continuous quality improvement  
45 32 program. The rules shall address all of the  
45 33 following:  
45 34 a. Program requirements and procedures.  
45 35 b. Program record and reporting requirements.  
45 36 c. Any other provisions necessary for the  
45 37 administration of a program.>  
45 38 ~~\_\_\_\_\_~~. Page 48, by inserting after line 26, the  
45 39 following:  
45 40 <DIVISION \_\_\_\_  
45 41 NEW RESIDENTIAL CONSTRUCTION DEFECT CASES  
45 42 Sec. \_\_\_\_ NEW SECTION. 657B.1 DEFINITIONS.  
45 43 For the purposes of this chapter, the following  
45 44 definitions shall apply:  
45 45 1. "Builder" means a builder, developer, or  
45 46 original seller of a new residential unit that is sold  
45 47 on or after July 1, 2005.  
45 48 2. "Claimant" includes an individual owner of a  
45 49 single-family home, an individual unit owner of an  
45 50 attached dwelling, and, in the case of a common  
46 1 interest development, an association, but does not  
46 2 include any person or entity not in privity of  
46 3 contract with a builder.  
46 4 Sec. \_\_\_\_ NEW SECTION. 657B.2 NOTICE OF CLAIM.  
46 5 1. Prior to filing an action for recovery of  
46 6 property damages arising out of, or related to  
46 7 deficiencies in, the residential construction, design,  
46 8 specifications, survey, plan, supervision, testing, or  
46 9 observation of construction against a builder, the  
46 10 claimant shall provide written notice by certified  
46 11 mail, overnight mail, or personal delivery to the

builder that the construction, design, specifications, survey, plan, supervision, testing, or observation of construction of the claimant's residence is deficient or violates the applicable housing code or city ordinance. The notice shall state the claimant's name, address, and contact information, shall state that the claimant alleges a violation against the builder, and shall describe the nature of the claim in sufficient detail in order to determine the nature and location of the alleged violation. The document shall have the same force and effect as a notice of commencement of a lawsuit.

2. The notice requirements of this section do not preclude a claimant from seeking redress through a customer service procedure set forth in a contract, warranty, or other document generated by the builder.

Sec. \_\_\_\_\_. NEW SECTION. 657B.3 BUILDER'S RECEIPT OF CLAIM == ACKNOWLEDGMENT.

Within fourteen days of receipt of a claimant's notice of claim, the builder shall provide a written acknowledgment of receipt of the claim.

Sec. \_\_\_\_\_. NEW SECTION. 657B.4 REPAIRS.

Within fourteen days of the builder's acknowledgment of receipt of a claimant's notice of claim, the builder may offer in writing to repair a deficiency, which shall include all of the following:

1. An offer to compensate the claimant for property damages recoverable at law.
2. A detailed statement identifying the particular deficiency to be repaired, an explanation of the nature, scope, and location of the repair needed, and the estimated completion date of the repair, which shall occur within a reasonable period of time.

Sec. \_\_\_\_\_. NEW SECTION. 657B.5 WHEN ACTION FOR DAMAGES ALLOWED.

A claimant may file an action seeking recovery of damages against the builder under the following circumstances:

1. If the builder fails to make an offer to repair, performs an inadequate repair, or does not complete a repair within a reasonable period of time.
2. If the builder fails to strictly comply with the requirements of this chapter.

Sec. \_\_\_\_\_. NEW SECTION. 657B.6 STATUTE OF LIMITATIONS.

The provision of a written notice under section 657B.2 tolls any applicable statute of limitations from the date of the provision of the notice through the estimated completion date of the repair pursuant to section 657B.4.

Sec. \_\_\_\_\_. NEW SECTION. 657B.7 NOTICE OF ALTERNATIVE DISPUTE RESOLUTION PROCESS.

Prior to commencing construction of a residential unit, the builder shall provide a written notice of the alternative dispute resolution process contained in this chapter to the claimant who shall acknowledge in writing receipt of the notice.>

~~#strike>\_\_\_\_\_~~. Title page, line 1, by inserting after the word <Act> the following: <relating to state and local finances by providing for tax exemptions, credits, tax credit transfers, and other tax-related matters and by>.

~~#strike>\_\_\_\_\_~~. Title page, line 2, by inserting after the word <fees,> the following: <providing for wind energy production tax credits,>.

~~#strike>\_\_\_\_\_~~. Title page, line 2, by inserting before the word <properly> the following: <remedies and other>.

~~#strike>\_\_\_\_\_~~. Title page, line 2, by inserting after the word <matters> the following: <and penalties>.>

~~#11~~. By renumbering, relettering, or redesignating and correcting internal references as necessary.

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